S. HRG. 98-1237

OVERSIGHT: OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

HEARING

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

OVERSIGHT ON THE QUESTION OF COMPETITION ON AWARDS WHICH ARE GRANTED AND PEER REVIEW TO ASSURE THERE IS OBJECTIVITY AND THE BEST STANDARD OF ALLOCATION OF LIMITED RESOURCES

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OVERSIGHT: OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

WEDNESDAY, AUGUST 1, 1984

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met at 9:30 a.m., in room 226, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee) presiding.

Present: Senator Metzenbaum.

Staff present: Mary Louise Westmoreland, chief counsel; Scott Wallace, counsel; Bruce King, counsel; Tracy McGee, chief clerk; and Marsha Cohen, staff assistant.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. The Subcommittee on Juvenile Justice of the Committee on the Judiciary will come to order on this oversight hearing on the Office of Juvenile Justice and Delinquency Prevention.

This is a significant hearing for a number of reasons. What is the general oversight as to the operation of this important unit?

Second, there are pending considerations on the Justice Assistance Act for possible changes in the structure of the Office of Juvenile Justice and Delinquency Prevention, possibility of integrating it in a different way into the Department of Justice. This function is a very important one. It has withstood a number of challenges in the course of the past 3½ years with the maintenance of funding at a $70 million level.

This subcommittee has had a wide variety of hearings over the past 3½ years on the problems of juvenile crime, violence, as juvenile offenders move into career criminal status; hearings on problems of runaways, on sexual abuse of children, recently on the issue of preventive detention of children who are accused of offenses. If we are to find some way to break the crime cycle and move people out of the cycle, moving from truancy to petty larceny to robbery, to robbery-murder, it is going to be necessary that we have innovative planning in the Office of Juvenile Justice and Delinquency Prevention, to do what can be done in this very important area. The activities of this office are very important indeed, and that is the focus of our hearing today.

I am particularly interested in two aspects as we review the activities of this office. One is the question of competition on awards which are granted, and the second is the issue of peer review as that may be an important item to assure that there is objectivity, and the best standard of the allocation of the limited resources which are available.

I would like to turn now to my colleague, the ranking member, Democratic side of the subcommittee, Senator Howard Metzenbaum.

OPENING STATEMENT OF HON. HOWARD M. METZENBAUM, A U.S. SENATOR FROM THE STATE OF OHIO

Senator METZENBAUM. Mr. Chairman, I think I am going to waive an opportunity to make a lengthy opening statement because I think the questions and answers are particularly relevant in this subject. I do have a number of questions of Mr. Regnery and others.

My understanding is that Mr. Nicholson is not going to be with us today, is that correct?

Senator SPECTER. That is correct. He could not be here.

Senator METZENBAUM. Well, I do not know what he has to do that is more important than coming before the committee has oversight.

You and I both know that he indicated he wanted to meet with me prior to this hearing. He indicated a willingness to do so. I also understand that he indicated that he wanted some restraints with respect to the area of my inquiry if he appeared before this committee and——

Senator SPECTER. No, that is not so. There was no request to me for any limitations as to what Mr. Nicholson would testify to.

Senator METZENBAUM. It was to me.

Senator SPECTER. Who made the representation?

Senator METZENBAUM. To staff, who indicated that Mr. Nicholson would like to meet with me for the purpose of discussing some limits in connection with my inquiry.

I indicated that I would be willing to meet with him but that I would not be willing to agree to any limits as to what I might inquire of him concerning.

Senator SPECTER. Senator Metzenbaum, as to your meeting with him, that is true, and that is something that I took up with you personally. It was represented to me that Mr. Nicholson did want to meet with you prior to the time that he testified. I discussed that with you.

Senator METZENBAUM. And I said OK.

Senator SPECTER. And you said that would be acceptable, but there has been no statement to me, and I just double checked with the staff, about any limitations as to the scope of what Mr. Nicholson would testify to. I would not agree to that. Anybody who appears before this subcommittee, as far as I am concerned, is subject to being asked any question which is germane.

I do agree with you that Mr. Nicholson ought to be here. And reasons that he gave were that he had scheduling difficulties and he was not feeling well, and he had family considerations where he

was not feeling well, and none of the reasons which were stated appeared to be compelling. We may have him at a later date.

Senator METZENBAUM. Well, let me say that we both agree that he should be here. Certainly you did not indicate any restraints as pertaining to any questions that I might have or that this committee might have.

I was informed and was asked whether or not I would be willing to meet with him, that is through my staff, which has been in contact with your staff, and whether or not I would agree not to ask him any questions in connection with his personal background matters. I said no, I would not do that. But that is not really the central question.

The central question is Mr. Nicholson should be here. You and I are in agreement on that. Mr. Nicholson was the recipient of close to a $4 million grant which we believed was awarded to him to create a facility under extremely unusual circumstances. And I would suggest, Mr. Chairman, that Mr. Nicholson be advised that we want him here. I heard he had travel problems, but it is not very difficult to travel from Los Angeles to Washington.

Well, since he is using Federal funds entirely for his facility, I certainly think he could have changed his schedule to be here. And this Senator is not happy about it. But I do not want to delay the hearing further on this subject since I think some of the witnesses who are here should be given full and adequate time to answer our inquiries.

Senator SPECTER. Well, I repeat that Mr. Nicholson is a relevant witness, and I think he should be here. There were discussions as to his appearing here, and there was a discussion as to meeting with you in advance so that it is apparent that the matter is before him, at least preliminarily there were plans undertaken on his part to be here. The reasons given to me are not satisfactory either.

I think we should pursue the matter. We have a written statement. I have not yet examined the written statement. I do not know if you have. But we shall pursue the matter after this hearing is over.

Senator METZENBAUM. I thank you, Mr. Chairman.

[The prepared statement of Senator Denton and a letter from Senator Denton to Senator Specter follow:]

PREPARED STATEMENT OF HON. JEREMIAH DENTON, A U.S. SENATOR FROM THE STATE OF ALABAMA

Mr. Chairman, I commend you for scheduling this oversight hearing on the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Like you, Mr. Chairman, I believe that OJJDP represents the level of commitment and emphasis that the Federal Government must continue to place on the area of juvenile justice. I therefore strongly support the reauthorization of OJJDP at its current level of funding, as indicated by my cosponsorship of S. 2014. I also support the concept of maintaining the existing structure of OJJDP, so as not to allow for a weakening of our resolve to continue support of jail removal and separation of non-criminal behavior from criminal behavior.

While I am supportive of the existing structure of OJJDP, I am not unaware of concerns which have been raised regarding its current administration. Those concerns include, but are not limited to:

1. An apparent slant towards the biological causation of criminal behavior;

2. A major focus on apprehension and prosecutorial services rather than on prevention of crime and therefore the prevention of people becoming victims of crime;

3. Awarding of a number of questionable non-competitive grants (cooperative agreements) including a $800,000 agreement to study pornography;

4. A disregard of the need for federal identification and promotion of prevention efforts that are effective and transferrable to other parts of the nation; and

5. An apparent unwillingness to receive input in the juvenile justice and youth areas.

I look forward to having these concerns addressed.

Thank you Mr. Chairman.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., August 2, 1984.

Hon. ARLEN SPECTER,
Chairman, Subcommittee on Juvenile Justice, SH-815 Hart Senate Office Building, Washington, DC.

DEAR ARLEN: There was an inference made at yesterday's oversight hearing on the Office of Juvenile Justice and Delinquency Prevention which I believe needs to be addressed. During the hearing Mr. Wooten, Administrator Regnery's Chief Deputy, noted that I had met with Dr. Judith Reisman prior to the awarding of the $800,000 cooperation agreement which was made by OJJDP. The inference was that I influenced the awarding of the grant.

In fact, I did meet with Dr. Reisman, Mr. Wooten and members of my staff to listen to a presentation by Dr. Reisman regarding pornography. I must say that I was and still am intrigued by Dr. Reisman's theories. However, no mention was made of the pending grant application nor did I promise to use the auspices of my office to get federal funding for Dr. Reisman's project.

Again, while I am supportive of Dr. Reisman's work, I provided no assistance in her obtaining federal backing. In fact I continue to have some question on the amount of the final award.

I thank you for the opportunity to clarify this point for the record.

Sincerely,

JEREMIAH DENTON.

Senator SPECTER. Mr Regnery, will you stand and raise your right hand and be sworn?

Do you solemnly swear that your testimony in evidence that you present before this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. REGNERY. I do.

Senator SPECTER. Mr. Regnery, we welcome you here. We have had you testify before on a number of occasions, and we have had cooperation from your unit as we have sought to move ahead on a number of common goals on juvenile justice and delinquency prevention. We look forward to your testimony.

You may proceed as you choose.

TESTIMONY OF HON. ALFRED S. REGNERY, ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. REGNERY. Thank you very much, Senator.

I do have a prepared statement, which I believe you have, and I ask that it be included in the record.

Senator SPECTER. We have the prepared statement and it will be made a part of the record fully. You may refer to it or summarize.

Mr. REGNERY. I will summarize.

I would also like to say we have a number of other witnesses here from my staff. I think virtually everybody who is connected with the issues that you are interested in is here, and we will be willing to present them to you. I think they will be able to answer any questions you have regarding the Pepperdine grant.

Let me clarify one misconception on the part of Senator Metzenbaum before I begin.

George Nicholson did not get a grant from our office. Pepperdine University did, and George Nicholson is an employee of Pepperdine University.

Senator METZENBAUM. I understand that. But also my understanding, although I am not certain of the facts, that he called the university and offered them the grant and his relationship with the university was such, in making the telephone call, that he actually did not even know who the president of the university was, and that it is an unusual procedure for a grantee to be—for somebody to take a grant to a university.

Mr. REGNERY. Well, he did not have a grant to give. I had the grant to give and I gave the grant to Pepperdine University.

We discussed it with George Nicholson before he went to Pepperdine University and we discussed the possibility of his putting together a project if he could find an acceptable grantee, which he ultimately did—Pepperdine University. He is an employee of Pepperdine University. He can be fired any time by Pepperdine University. Pepperdine has the obligation to the Federal Government to carry out the grant itself as specified. So I think it is important to understand that relationship.

Senator METZENBAUM. Well, I think it is important to understand that relationship, and I also want to get into interrogating you concerning the question of whether or not it is in the highly unusual procedure for people to have grants to be able to offer them to universities, as Mr. Nicholson did, and Ms. Reisman did.

Mr. REGNERY. That is fine. We can talk about that.

Senator SPECTER. Senator Metzenbaum, let us proceed with Mr. Regnery.

Senator METZENBAUM. I did.

Senator SPECTER. He wanted to raise a clarification concerning Mr. Nicholson's status, and we appreciate that. But let us proceed to your testimony in chief, and we will then move as customary sequence on the questioning.

Mr. REGNERY. Thank you very much, Senator.

The first thing I would like to say is that the Senate is in the midst of the reauthorization process for my Office. I understand headway is being made on that with my department, your office, and with Senator Hawkins' office, and we certainly appreciate the cooperation and the help that you are giving. We have been working closely with your staff, and I think that process is well on the way to becoming finalized. I hope it is.

Since I last testified, there have been a number of developments within my office which I think are significant and which I would like to outline briefly to the committee.

First of all, as you know, Senator Specter, the Missing Children's Center was opened on June 13 by the President at the White House. It is now functioning. The staff has been hired. I believe they have 29 or 30 people on their staff. They are receiving literally hundreds of phone calls from parents, parent organizations, law enforcement and others, asking for assistance in missing children's cases. And they are in fact beginning to render that assistance. There is an 800 phone number that is in the process of being set up. Apparently it takes AT&T a long time to do that these days,

but I guess they are slowly getting the thing together and I believe it should be operational within another month or so.

Generally I think the Center is in good hands. It is well on its way to becoming a significant entity in the missing children's problem, and I think it will be a great asset to the country generally.

Second, we recently made a significant grant to the National Council of Juvenile Family Court Judges for a program that we call the Court Appointed Special Advocates Program, which is designed to recruit volunteers to represent the interests of abused and neglected children in family courts. That was a $1.5 million noncompetitive grant which we gave to the National Council. They have been working with 35 to 40 organizations and volunteer groups around the country, beginning to get the thing set up. Again, it is a project that we are very high on. We believe that it will ultimately have as much impact on the subject of juvenile delinquency as virtually anything my office has done because of the very great numbers of children who have been abused and neglected who ultimately wind up in juvenile courts as delinquents. And if we can find permanent homes for those children, which is what that program is designed to do, I think it will have a very great impact on them.

We just awarded a number of grants to prosecutors' offices across the country with which to prosecute habitual juvenile offenders. There are 13 of these grants at a cost of $250,000 to $300,000 each.

We are also about to let a contract for an evaluation of that process. That has been a competitive process throughout. It has been a very successful one. I might add, Senator, that Philadelphia is one of the cities that received one of those grants. The program is based on the theory that a relatively small number of juveniles, probably 5 to 8 percent, commit 50 to 70 percent of all the serious juvenile crime. Much of the research which that program is based on came from Philadelphia, Senator, from Professor Wolfgang, with whom I believe you discussed it, and also from Mrs. Hamparian—with whom Senator Metzenbaum is familiar as well—who has done some very good research on the question of juvenile offenders which has been very valuable to us in setting up this program.

I was in Chicago on Friday with the State's attorney there, and his office has developed some numbers which I think are significant. They found that only 1.1 percent of all 10- to 16-year olds in Cook County—that is a number of about 3,700, I believe—accounted for 36 percent of all juvenile arrests. Furthermore, that group of 1.1 percent had been arrested on an average of 10 times each. I think that certainly verifies the numbers that we have collected elsewhere which show that there is a very small percentage of juveniles who are the worst chronic offenders, and who need to be dealt with as strenuously as possible by the juvenile justice system.

We have also found that those chronic juvenile offenders are the same people who have become career criminals. I think this solidifies our notion that one needs to deal with them as early as possible. Again, preliminary research that we have coming into our office indicates that as many as 77 percent, I believe, of the chronic juvenile offenders have been arrested over five times more than adult offenders by the time they are 23 years old and, in fact, most chronic adult offenders were also chronic juvenile offenders. So, it

is a cycle that we have not been very successful in breaking to date.

If the criminal justice system and the juvenile justice system offers any way of working with these children in this system, I believe the program that we just initiated will be able to deal with these chronic offenders.

We are in the midst of determining who will be the recipient of a grant to train counties across the country in restitution programs. Again, this is a competitive process and, in fact, the competition is on-going as we speak to determine who the recipient of that grant will be. That will be a $1.4 million project which we believe will be able to provide training to between 800 and 1,000 jurisdictions in setting up juvenile restitution programs.

We are also in the midst of a competitive process to determine who will be recipients of four or five grants in the private sector corrections area. As you know, Senator Specter, the juvenile area has had a high degree of private involvement in the corrections area. We believe that from what we have seen, the private sector can do a better job with rehabilitating children than the public sector. At least that is what is indicated by some studies—though the numbers are not very good, as no one has done a careful evaluation. We are therefore in the process of funding four or five new entities. We will have a careful evaluation of that project, so in 2 or 3 years, we will be able to tell you whether or not, in fact, these groups are able to rehabilitate juvenile offenders in a way different from the public sector. Again, it is a program that we think has been extremely well designed. It has taken us about 1 year and 3 months to get this far into it. We will be giving grants of about half a million dollars each to these organizations. Of the grant applications we have received, and I think we have about 26 under this project, we are very encouraged that will be successful.

In the area of school discipline and school crime, we have funded the National School Safety Center at Pepperdine University with a grant of just over $2 million. There is a possibility that another $2 million may be awarded if the first year is successfully completed. So, in fact, it is not a $4 million grant.

That office has been set up in Sacramento. It is functioning and staff have been hired. The staff is in the process of writing and preparing for the school year. They have spent a lot of time contacting educational organizations in preparing for conferences and developing the clearinghouse that they will ultimately establish, Senator. They have developed a brochure which I think might be valuable to add to the record, which I have here, which describes what they will be doing. This, of course, is a project which was part of the Presidential initiative on school discipline which was discussed at a hearing before this subcommittee in January, and to which, so far, we have had a very positive reaction to from the educational community. We have worked carefully with the Education Department on it. We have worked with groups such as the National Associaticn of School Boards and Secondary School Principals, the School Safety Officers organization, and many others in establishing what they need. And again we have had almost universally a positive reaction to what we are doing.

We find, in fact, that there is great need on the part of many educators for the services that we will be able to provide.

I might also add, just as an aside, that yesterday the Justice Department filed a amicus brief in the *New Jersey* v. *T.L.O.* case before the Supreme Court, which is a case pending on the fourth amendment search and seizure issue in the schools. The brief, I suspect, will be available to you if you would like to see it. I believe it is the first amicus brief the Justice Department has filed pursuant to the Presidential request that we look for such cases in which to file those briefs.

In the area of training, we continue to train many different groups connected with the juvenile justice field—police officers, judges, district attorneys, correctional officials, restitution officers, and private nonprofit organizations which work with children. We provide both technical assistance and training to them. That budget is significant, and again, we get very positive reaction I think virtually universally, from the people we do train.

We have one program that I would like to mention at the Federal Law Enforcement Training Center in Glynco, GA. to train police officers. I believe in the last year we have trained over 500 juvenile officers—people in policymaking decisions across the country—in how to deal with delinquency, how to deal with child abuse, and in other areas of which they should be aware. It is a program that is very professionally carried out, and the letters that I get, Senator, from police officers who have been there are astounding in their praise for the program. Generally, people think we should expand it—we are trying to do so—to bring more people in to provide professionally training. Of course, the police officer are on the front line. They are the first to deal with problems of delinquency and, in many cases in the past, they have not been particularly well trained for the job. I think this program is beginning to turn that cycle so that we have a cadre of police officers who understand the problems of children, both in abuse and neglect, as well as delinquency, and who they can deal with it on a front line basis.

You asked about the area of competition. My office does have a policy on competition which is nonstatutory. It is delineated in guidelines. Since coming to the office in November 1982, I have not changed that policy. We try to compete programs when we can. In some cases we cannot compete programs. We have developed some numbers as well as we could for you, Senator, on what we do compete and what we do not.

Unlike many grant-making agencies, we are not required to make grants competitive. We do have the policy guidelines, as I mentioned, which we have developed internally. We adhere to those policy guidelines, I believe, exactly.

I have attached to my testimony a copy of the memorandum from the General Counsel's Office which was developed about 1 year ago, which spells out what that policy is. I think you have it in front of you.

Legislation recently passed by the House would require all of our grants to be made competitively. The Senate language does not include that provision. Because of the diverse nature of grants that we give, and because we make many small grants both to research organizations and for special emphasis projects, the grant making

process that we have is not universally well suited to competition. We make demonstration awards for research, training, and technical assistance, as well as certain direct service grants. Although many of these are granted competitively, others would be virtually impossible to grant under the competitive process. For example, our training division has almost never made competitive grants because of the singular nature of its work. There is usually only one organization capable of training the target constituency. For example, we have given grants to the National College of District Attorneys to train prosecutors. The National College is virtually the only organization in the United States that is either equipped to or capable of training prosecutors. Such a grant could not be made competitively.

Similarly, training judges and even police officers is done best by individual organizations which have access to those constituencies, which have credibility, and which may have a certain curriculum to teach. Accordingly, we often seek out such organizations and negotiate an award with them.

I should point out, however, that we are in the midst of making a competitive grant for training counties to set up restitution programs for juveniles, as I mentioned, which apparently is the first competitive grant the training division has ever made, at least to the recollection of the people who are now in that division.

Similarly, the numerous small research grants which we give, many to small research organizations or to individual experts, would be impossible under a competitive process. This is because these researchers will often come to us with a proposal which is unique and which only that researcher is equipped to do. Without having to compete such a process, we are in a position to have such research done quickly and efficiently. It has been estimated that the cost of competing for grants runs upward of $10,000, and the process often takes 6 months or more. The small researchers, who have been an important part of OJJDP work, have estimated that if competition were required, they would not be able to afford to compete for our grants, with the result that only the large research organizations and large universities would be able to successfully compete for our money.

Nevertheless, grants are awarded competitively unless there is a good and compelling reason to do otherwise. Thus far in fiscal year 1984, using special emphasis funds, we have made a total of 43 awards for a total sum of $15,209,000. Of those, 25 were made competitively for $6,341,000, 13 were made noncompetitively for $8,262,000, and five awards totaling $605,000 were interagency transfers. We anticipate making at least six additional competitive awards with special emphasis funds this year, totaling $3.8 million, and anticipate making three or four more sole source grants during the remainder of 1984, most of which would be less than $100,000 each. Accordingly, by the end of 1984, about half of all the awards made with special emphasis funds will have been made competitively.

During fiscal year 1983, in all divisions, there were 91 categorical awards made totaling $17.5 million. Of those, 36 were made competitively for $8 million, 43 were made noncompetitively for $7.6 million, and 12 awards totaling $1.8 million were interagency

transfers and statutorily mandated insular area awards. Thus, of the $15.7 million awarded during fiscal year 1983, excluding insular areas and interagency transfers, more than half of the money was awarded competitively.

In the National Institute, all awards made so far in fiscal year 1984 have been noncompetitive—a total of 18 awards for a total of $3.2 million. Only five of those, however, at a total of $1.8 million, were new awards and the remainder were continuations of awards made before I came to the office. We do have special competitive projects pending in the Institute, including a $200,000 project on legal issues, several project evaluations, a project on the quality and availability of juvenile records, and our restitution project, to mention a few. Most of those will be awarded in fiscal year 1984.

The competitive process that we have in our office is certainly not perfect, Senator. I would be the last to say that it was. Competition has certain advantages, and it has certain disadvantages. I think that in an office like mine where the juvenile justice area is fairly limited in its scope and the number of people who work in it is small, it is probably valuable not to have to compete grants, because by not competing, we can bring in new organizations and new people who otherwise would not be able to successfully compete against the larger old line organizations who know so well how to compete. We are trying to improve that system. We are certainly cognizant of the criticism that has been leveled against us. I am aware that there are some grants which might have been better if we had competed them. On the other hand, there are some competitive grants that we have made which certainly are far from perfect. I think you cannot conclude that by competing everything, you are going to straighten out problems that you otherwise might have.

One of the other problems with competing grants is the fact, which I have alluded to, that the large organizations with the resources and skills to write a good grant application are the ones who invariably win, and the smaller researchers who, as I mentioned, have been so important in our work, may not be able to compete for those grants because of the cost and the time of doing so.

In the area of juvenile delinquency prevention versus juvenile delinquency control, again, I am certainly aware of the criticism that has been leveled against us. Press accounts have claimed that we have "scrapped" prevention and that all we are interested in doing is locking kids up. We have carefully gone through the number of grants that we have made, and determined that, in fact, nothing could be further from the truth. Prevention is still very much alive and well in our office. We have many more prevention grants, in fact, than control grants. We have spent, over the years, tens of millions of dollars on delinquency prevention. Much of this money has been spent aimlessly, that is, spent on the general population, whether the general population needs delinquency prevention or not. The result has been, unfortunately, less than successful, and evaluations of those prevention activities have been almost universally pessimistic.

It has often been said that many delinquency prevention efforts result in doing the right things for the wrong reasons: we have

tried to teach people to read to prevent delinquency, we have tried to cure learning disabilities to prevent delinquency, we have built new basketball courts to prevent delinquency, we have even purchased minibikes for innercity children to prevent delinquency, and we have sent children to summer camp, to mention a few. Those are things that society probably should be doing for children anyway, but not in the name of delinquency prevention.

Accordingly, since I have been in the office, we have tried to redirect our prevention activities to focus on children who appear to have a higher risk of becoming delinquents or who, for one reason or another, are more susceptible to prevention activity. So far during fiscal year 1984, of the more than 60 awards signed, which I mentioned, 32 have been for prevention activities, for a total of $12.2 million, and only 18 for control of delinquency, at a total of $4.1 million. The remainder of our grants fall in neither category.

We do anticipate making six additional grants which fall in the control category during the remainder of this fiscal year for a total of about $3.8 million. Accordingly, by the end of the year, we will have spent about $8 million on control and over $12 million on prevention

By focusing our prevention activities carefully, we are not only using our money more efficiently, but also having greater impact on juvenile crime.

The permanent families for abused and neglected children project, which I mentioned in the beginning, will focus particularly on the dependent and neglected child, a group with an extremely high rate of subsequent delinquent activity. By assisting the juvenile court system in finding permanent homes for these children, we believe that we may have a very significant impact on preventing delinquency.

Our grant to Pepperdine University for the National School Safety Center, by the same token, is aimed particularly at preventing delinquency in the schools. From the experience of similar efforts and from what we have learned about school crime and school discipline, we believe that its impact may be very significant.

Similarly, during 1983, we made a large grant to the Boys Clubs of America, requiring that the Boys Clubs go into the juvenile justice system to recruit children who have already had some contact with law enforcement because of delinquent activity, and bring them to the Boys Clubs for their prevention activities

Previous awards to such groups as the Boys Clubs simply supported their general activities, and a great deal of our money was used for children who were not likely to become delinquents anyway.

Other examples of some of our prevention awards include the Center for Community Change here in Washington, DC, which will provide training and technical assistance to eight neighborhood based organizations to implement local projects such as providing alternatives to the institutionalization of juveniles and reducing violent juvenile crime and the fear of such crime.

Another one is the National Center for Neighborhood Enterprise, and I believe Bob Woodson is going to testify later today and explain that one.

In addition, we funded the Law Enforcement Explorer Scouts and the five law-related education projects, a project which we have been involved in for some time. I would add, incidentally, that all of those grants were made noncompetitively.

Among grants we have made to assist the juvenile justice system in controlling offenders are the 13 grants to the district attorneys' offices which I have already described, training programs for prosecutors, judges, police officers, corrections officials and others within the system, the private sector corrections grants, and our new restitution project.

On the issue of peer review, Senator, I have some testimony in my prepared statement which I will not read. We generally use the peer review process at all stages of our grant-making awards, including peer review while the grant is ongoing and during the review process for publications. Peer review may mean different things to different people. And as I have read the descriptions in the Federal bulletins at the National Science Foundation, NIMH, and places like those, they have a very formal review process. Ours would probably be much more informal. To some extent, we have a list of peer reviewers that we use regularly. I think there are about 85 people on this list who we pay when we want something reviewed. But we also have an informal process whereby people around the country whom my staff or I know may simply be asked to comment.

For example, I recently completed a project looking at an unsolicited grant application. I sent out letters with copies of the application to about 12 people around the country who were involved in that area in different capacities—both professors and scholars, frontline people, Government people, and people in other agencies—and I simply said I would appreciate their review and comment on the materials. When replies to such requests come back, we try to assimilate them and make some sense out of them.

By the same token, we will convene panels from time to time. We are convening a panel tomorrow, in fact, here in Washington with a number of experts on the question of juvenile records. In fact, it is an area that we had a hearing on about a year ago. We have wrestled with this area and have found it to be a difficult area to do anything about. So we are convening a panel of people for 2 days to advise us on our approach and types of projects that we should undertake.

My staff will explain in more detail how they use the peer review process. Again, it is certainly not a perfect process. The juvenile justice area, I think, is so diverse and has such a limited number of people concerned, that it does not really lend itself to having a formalized process such as NIMH or some other scientific activities and organizations. Nevertheless, I think that it certainly could be improved—there is no question about that.

We will be happy to work with your staff if they think there are things that we either should do by guideline or regulation, or even by statute, to improve the process.

But, again, I do not think it is something that lends itself to a simple answer, that is, saying one has to do this or that because of the nature of the beast.

In the formula grant area, Senator, we continue to have all but four States in our program. Those States that are not in the program are North and South Dakota, Nevada, and Wyoming. The State of Ohio has presently been temporarily terminated from the program because of the high number of juveniles that it has in its institutions. We are working with State officials on an ongoing basis to try to straighten that out. There seems to be some discrepancy in the way they actually make the court. But we found from the numbers that they have given to us that Ohio has more juveniles than any other State. We are hoping that we can resolve that issue by the end of the year. There are other States that have problems but none to that degree. So it does appear as though, with the beginning of the next year, we will probably continue to have all but four States in the project.

One of the issues that came up at the last hearing was the figure in our budget request for 1985 that claimed there were 35,000 status offenders and nonoffenders in secure detention facilities. In fact, you asked me about that. That number was one that was very rough, and it was developed I believe a year ago. My staff has gone through and recomputed those figures, and they have concluded that there is somewhere in the vicinity of 12,700 juveniles in those institutions in participating States—down from 35,000. Again, I would be leery of that number because, to some extent, it is a projection. Each State makes the count differently. Some will count for a month, others will count for a year, and one must extrapolate those numbers to try to come up with a number. That is an admission figure.

Incidentally, that is the number of status and nonoffenders who were admitted to those institutions during the course of the year.

We talked a little bit at the last hearing about the Monday count figures, which I tend to think are probably more accurate. Those are the figures developed by the Census Bureau for their children in custody survey. The last survey for 1983 showed that in 1983 there were 1,100 status offenders and nonoffenders in all secure facilities as defined by our statute in the United States. That was down from 1,175 in 1979.

Incidentally, the children in custody survey also found that on the same day in 1983 there were 36,500 juveniles in all secure facilities everywhere in the United States. And we would point out that the status offender count is only 3 percent of that total number. So I think we have gotten a fairly good handle on that problem over the years.

In terms of the status of funds, Senator, through the 5th of July, we have spent $19.8 million of our discretionary money. We began in 1984 with $36.7 million, which included a substantial amount of carryover from previous years. With the grants that are in the pipeline now, as well as those that I have signed since the 5th of July, and those that we will sign between now and the end of the fiscal year, we believe that we will use up all but a small amount. It is difficult to say exactly how much it will be because, as the Comptroller's Office works on the grants that are in process, the numbers often come out differently from the amount actually budgeted. But it does appear that by the end of fiscal year 1984,

virtually all the discretionary money, together with, of course, the formula grant money, will have been spent.

That concludes the summary of my testimony. I would be pleased to answer any questions.

[The prepared statement of Mr. Regnery follows:]

Prepared Statement of Alfred S. Regnery

Thank you very much, Mr. Chairman, for inviting me to testify this morning on the activities of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

There have been several significant developments concerning OJJDP since I last testified on this subject before the Subcommittee in March. Perhaps the most important development is the substitute legislation drafted by the Administration and the Department of Justice with the cooperation and assistance of the Senate leadership that would create a program of financial and technical assistance for state and local criminal justice, reauthorize OJJDP and establish a program to aid missing children. We appreciate the efforts of this committee in working on this legislation and hope for expeditious final passage.

As you know, Mr. Chairman, the draft substitute amendment would establish, within the Department of Justice, an Office of Justice Assistance (OJA) headed by an Assistant Attorney General. In conjunction with that Office, OJJDP would administer financial and technical assistance at the state and local levels, fund demonstration projects similar to those now authorized, and maintain other previously identified OJJDP priorities. The legislation authorizes a $70 million appropriation for the OJJDP.

Missing Children

In addition, the OJJDP Administrator would be responsible for a new national program, authorized at $10 million per year, for providing training and technical assistance to law enforcement and citizen organizations dealing with missing children issues.

When I last testified, I voiced the Department's support for the Missing Children's program as outlined in S. 2014 and noted OJJDP's plans

for a National Center for Missing and Exploited Children. I am happy to report that the Center was formally opened by President Reagan on June 13th in a ceremony at the White House. Although the Center has been open only a few short weeks, it already has handled hundreds of calls from concerned parents and law enforcement officials and assisted in dozens of missing children's cases. We hope that the Center will be able to assist in even more cases after its telephone hotline begins operation.

The National Center will sponsor and host the first National Conference on Missing and Exploited Children. This conference will bring together highly motivated, experienced professionals who are familiar with the issue of missing and exploited children. These participants will share their expertise with parents, law enforcement personnel, school officials, community leaders and other child advocates to address the problem of missing and exploited children.

Permanent Families for Abused and Neglected Children

My office has recently funded an outstanding prevention program which will focus national attention on the need for providing permanent homes for abused and neglected children. It is being conducted under a $1.5 million grant to the National Council of Juvenile and Family Court Judges.

Studies show that abuse and neglect often cause children to become involved in aggressive, anti-social, and delinquent behavior. Unfortunately, the victim often becomes the aggressor and many of these children go on to become adult criminals. But studies also indicate that a strong and stable family environment can help prevent delinquency. The aim of this program is to find such families for these children.

To aid judges in their decisions in child abuse and neglect cases, the

program will work to recruit and train one million volunteers to be sworn court officers who will devote themselves to a child's case. Such Court-Appointed Special Advocates (CASA) are currently working in CASA programs in 26 states. Through their efforts, placements of children in long-term foster care have been dramatically reduced.

We expect that through this partnership of juvenile and family court judges, volunteers, and others interested in the welfare of children, we can reduce the number of children in foster care, reduce juvenile delinquency and greatly enrich the lives of the nation's abused and neglected children.

Habitual Serious and Violent Juvenile Offenders

The projects I have just described serve the needs of children who come in contact with the juvenile justice system as victims — victims of exploitation, abuse, or neglect. Another new project which we have just funded is aimed at a different group of children. Many of these children also are the victims of abuse or neglect, but the juvenile justice system has failed them. They have not been reached by prevention programs or by the probation or other community-based treatment ordered time after time, offense after offense. Their history of violent and serious criminal behavior necessitates a new approach.

While these habitual, serious and violent juvenile offenders make up only 5-8% of the juvenile population, studies show this group accounts for over 50% of juvenile crime. We believe that concentrating prosecution efforts on this small number of habitual offenders may be the best way of dealing with serious juvenile crime.

OJJDP has awarded a total of $3.7 million to prosecutors in thirteen jurisdictions across the country to establish Habitual Serious and Violent Juvenile Offender programs. Through these programs, cases of chronic

juvenile offenders will be prepared and presented to the courts in an accelerated manner. The programs concentrate on these repeat serious offenders by reducing pretrial, dispositional, and trial delays; restricting or eliminating plea bargaining; reducing the number of dismissals for reasons other than merit; ensuring that all evidence is collected in an admissible manner; improving methods for obtaining the cooperation of victims and witnesses; and assigning one prosecutor to the same case from the time of arrest through final disposition. The programs also include a correctional component that will develop and monitor individualized treatment plans for each adjudicated juvenile offender. This focus on vertical prosecution and continuous case management is intended to increase the consistency of the juvenile justice system in holding a youth accountable for his or her actions.

There are several more general issues in which I understand the Subcommittee is interested and which I would like to discuss one by one.

Peer Review

Mr. Chairman, you have asked about peer review of grant proposals, whether we use that process, and if so, how. We regularly use peer review, both by outside consultants and by our own staff. Our statute authorizes OJJDP to enter into contracts for the partial performance of any of the functions of the Institute, and to compensate consultants and members of technical advisory councils (Section 241 e (4) (5)). We use this provision to employ consultants to review our projects, but we also use an informal review process under which reviewers are not paid. Peer reviews take place at different phases of a project. The form of the peer review process differs, depending on the scope and nature of the program under consideration. During the earliest phase, determining whether OJJDP

should allocate funds to a particular program area, we often seek the opinions of practitioners and researchers regarding the importance of the area, and the critical issues to be addressed. This is usually accomplished through telephone calls, or in conjunction with visits to OJJDP-supported projects. For particularly complex areas, or areas in which there is controversy, a small group of experts is convened to provide advice on program development. We are presently using such an approach in the area of drug abuse and delinquency.

At the proposal stage, peer review can take two forms. Written reviews by outside experts focuses on such issues as significance, feasibility, methodology, and the potential usefulness of the products. We can also elect to convene a panel of experts to assist in identifying the most significant issues, and alternative strategies. As an example, our approach to the area of the quality and accessibility of juvenile records exemplifies a combination of these approaches. In response to the Federal Register announcement of the 1984 Program Plan, we received an unsolicited proposal to review the use of juvenile criminal records in both juvenile and criminal courts. We forwarded this proposal to several experts for their review. Based on their comments, we determined that a panel should be convened to identify the most significant issues concerning the development and use of official records, and to suggest alternative strategies for resolving those issues. That panel will be convened within the next several days to thoroughly review the problem.

Formal applications are reviewed before and/or after award by external experts. This may be accomplished either by selecting consultants through a management contract to review the application on a one-time-only basis, or by establishing a project advisory committee, which works

with the award recipient for the life of the award. This committee reviews the application and all subsequent phases of the research or program development process.

Virtually all final reports on research and program development projects are subjected to peer review. Two to three reviewers are asked to address a comprehensive set of specific questions. The results of the reviews are sent to the authors to provide them an opportunity to make revisions prior to the OJJDP decision regarding publications and dissemination.

Competition and Sole Source Grants

In recent weeks, our critics have made much of the issue of competitive versus non-competitive grants. Press accounts have claimed that we are giving away federal money wholesale to our friends, and that, since becoming Administrator, I have "scrapped" the competitive grantmaking process. Nothing could be further from the truth.

Unlike many grantmaking agencies, we are not required to make grants competitively. We do have policy guidelines however, developed internally, to which we adhere. I have attached a copy of a memorandum to me from the Office of Justice Assistance Research and Statistics (OJARS) Office of General Counsel dated August 8, 1983, which spells out that policy. (Attachment I).

Legislation recently passed by the House of Representatives requires that all new awards made by OJJDP have to be made competitively. The Senate bill does not include such a provision.

Because of the diverse nature of the grants which we give, and because OJJDP makes many small research and special emphasis grants, our grantmaking process is not universally well suited to competition.

We make awards for demonstration projects, research, training, and technical assistance, as well as certain direct service grants. Although many of these are granted competitively, others would be virtually impossible to grant under the competitive process. For example, our training division has almost never made competitive grants because of the singular nature of its work. There is usually only one organization capable of training the target constitutency. For example, we have given grants to the National College of District Attorneys to train prosecutors. The National College is virtually the only organization in the U.S. that is either equipped to or capable of training prosecutors. Such a grant could not be made competitively. Similarly, training judges and even police officers is best done by individual organizations which have access to those constituencies, which have credibility, and which may have a certain curriculum to teach. Accordingly, we often seek out such organizations and negotiate an award with them. I should point out, however, that we are in the midst of making a competitive grant for training counties in setting up restitution programs for juveniles, which is apparently the first competitive grant that our training division has ever given in the history of OJJDP.

Similarly, the numerous small research grants which we give, many to small research organizations or to individual experts, would be impossible under a competitive process. This is because these researchers will often come to us with a proposal which is unique and which only that researcher is equipped to do. Without having to compete such a process, we are in a position to have such research done quickly and efficiently. It has been estimated that the cost of competing for grants runs upward of $10,000, and the process often takes six months or more. The small

researchers, which have been an important part of OJJDP work, have estimated that if competition were required, they would not be able to afford to compete for our grants, with the result that only the large research organizations and large universities would be able to succesfully compete for our money.

Nevertheless, grants are awarded competitively unless there is a good and compelling reason to do otherwise. So far this year, using special emphasis funds, we have made a total of 43 awards for a total sum of $15,209,000. Of those, 25 were made competitively, for $6,341,000, 13 were made non-competitively for $8,262,000, and 5 awards totaling $605,000 were interagency transfers. We anticipate making at least six additional competitive grants with special emphasis funds, totaling $3,800,000, before the end of fiscal year (FY) 1984, and anticipate making three or four more sole source grants during the remainder of 1984. Accordingly, during FY '84, about half of all awards made with special emphasis funds will have been made competitively.

During FY '83, in all divisions, there were 91 categorical awards made totaling $17,515,000. Of those, 36 were made competitively for $8,081,228, 43 were made non-competitively for $7,626,369, and 12 awards totaling $1,807,183 were interagency transfers and statutorily mandated insular area awards. Thus of the $15,707,579 awarded during FY '83 (which sum excludes insular areas and interagency transfers) more than half of the money was awarded competitively.

In the National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP), all awards made so far in FY '84 have been non-competitive — a total of eighteen awards, for a total of $3,257,000. Only five of those, however, at a total of $1,849,421, were new awards and the

remainder were continuations of awards made before I came to OJJDP. We do have several competitive projects pending in NIJJDP, including a $200,000 project on legal issues, several project evaluations, a project on the quality and availability of juvenile records, and our restitution project, to mention a few.

Delinquency Prevention

We have also been criticized for allegedly ceasing to fund delinquency prevention programs and for concentrating instead solely on prosecution and punishment of juvenile offenders. Again, Mr. Chairman, these reports bear little resemblance to reality.

OJJDP has spent, over the years, tens of millions of dollars on delinquency prevention. Much of this money has been spent aimlessly -- that is, spent on the general population whether the general population needed delinquency prevention or not. The result often has been, unfortunately, less than successful, and evaluations of those prevention activities have been almost universally pessimistic.

It has often been said that many delinquency prevention efforts result in doing the right things for the wrong reasons: we have tried to teach people to read to prevent delinquency, we have tried to cure learning disabilities to prevent delinquency, we have built new basketball courts to prevent delinquency, we have purchased mini-bikes for intercity children to prevent delinquency, we have sent children to summer camp to prevent delinquency, to mention a few. Those are things that society should be doing for children anyway, but not in the name of delinquency prevention.

Accordingly, we have tried to redirect our prevention activities, since I have been Administrator, to focus on children who appear to have a higher risk of becoming delinquents, or who, for one reason or another, are

more susceptible to prevention activity. So far during FY '84, of the more than 60 awards signed which I mentioned above, 32 have been for prevention activities, for a total of $12,271,996, and only 18 for control of juvenile delinquents, at a total of $4,184,306. The remainder of our grants fall in neither category. We do anticipate making six additional grants which fall in the control category during the remainder of FY '84, for a total of about $3.8 million. Among those, however, is our restitution project which has a considerable prevention component included in it.

By focusing our prevention activities better, we are both using our money more efficiently and having greater impact on juvenile crime. The Permanent Families for Abused and Neglected Children project, which I described earlier, will focus particularly on dependent and neglected children, a group with an extremely high rate of subsequent delinquent activity. By assisting the juvenile court system in finding permanent homes for those children, we believe that we may have a very significant impact on preventing delinquency. Our grant to Pepperdine University for the National School Safety Center, by the same token, is aimed particularly at preventing delinquency in the schools and, from the experience of similar activities and from what we have learned about school crime and school discipline, we believe that its impact may be significant. Similarly, during 1983, we made a large grant to the Boys Clubs of America, requiring that the Boys Clubs go into the juvenile justice system to recruit children who have already had some contact with law enforcement because of delinquent activity, and bring them into the Boys Clubs for their prevention activities. Previous awards to such groups as the Boys Clubs simply supported their general activities, and a great deal of our money was used for children who were not likely to have become delinquent anyway.

Other examples of some of our prevention awards include the Center for Community Change here in Washington, D.C., which will provide training and technical assistance to eight neighborhood-based organizations to implement local projects such as providing alternatives to the institutionalization of juveniles and reducing violent juvenile crime and the fear of such crime. In addition, we funded the grant to the Law Enforcement Explorers Scouts, and the five law-related education grants, a project which OJJDP has been involved in for some time. I might add that all of the above grants were made non-competitively.

Among grants we have made to assist the juvenile justice system in controlling juvenile offenders are the thirteen grants to district attorneys which I have already described, training programs for juvenile prosecutors, juvenile judges, police officers, corrections officials, and others within the juvenile justice system, and our private sector corrections grants and our new restitution project, both of which will be funded shortly.

Status of Funds

Mr. Chairman, it appears that we will have spent virtually all of our FY '84 allocations by the end of the fiscal year. We started FY '84 with a total sum of $36,737,648 in discretionary funds, which included both FY '84 allocations and carryover funds and commitments from previous years. As of July 5th, we had actually obligated $19,841,475. Commitments, projects which are in the pipeline, together with projects actually commenced since July 5th will have consumed just about all of the balance. Thus, we anticipate entering FY '85 with only a small amount of carryover money.

1985 Program Plan

You have asked for information concerning our 1985 Program Plan; we have informed the Subcommittee that it has not yet been completed and is thus unavailable.

We are in the process of developing that plan now, but are somewhat hampered by the fact that our reauthorization has not yet been enacted. As you know, Mr. Chairman, the House bill places significant restrictions on the sort of new programs we can undertake. Therfore, until we know what the final legislation requires, we cannot plan new projects. Nevertheless, we have begun the planning process for 1985, and are reviewing several possible new projects. We will keep the Subcommittee informed of those plans as we progress with them.

It is our hope, and the hope of the Administration, that if the OJJDP program is reauthorized, we can continue this important work and, in so doing, improve the quality of juvenile justice in the United States.

Thank you, Mr. Chairman, I will be pleased to respond to any questions you or members of the Subcommittee may have.

Senator SPECTER. Thank you very much, Mr. Regnery.

I would like to start with this issue of a competitive matter. The Congress has been very explicit in calling for competition in making grants and as mandated through congressional direction, competition in certain areas and the internal policy of the Office of Juvenile Justice and Delinquency Prevention specifies that competition for assistance shall be further to the maximum extent practical, and later portion of the agency instruction further delineates that objective by saying that the award of grants outside of the scope of published programs shall be exercised sparingly and only in exceptional circumstances. Also, that the exceptions shall be made only where "such outstanding merit is present so that the award of a grant without competition is justified."

I take it from your testimony in general that you agree with those articulations?

Mr. REGNERY. Absolutely, yes, and we try to adhere to them.

Senator SPECTER. Well, the difficulty that I think arises in the application, Mr. Regnery, which requires further analysis, perhaps explanation, perhaps further change in policy, arises because of the application, is that 71 percent of the grants and 85 percent of the total funds involved have been awarded noncompetitively.

Mr. REGNERY. Could I correct that number?

Senator SPECTER. Well, if it is incorrect.

Mr. REGNERY. It is incorrect.

Senator SPECTER. I believe we are working from your materials.

Mr. REGNERY. That was a number that I believe was developed by the House of Representatives. I am not sure where they came up with it. We have worked through those numbers very carefully. Those figures you quoted also were used some time ago. And let me point out in terms of——

Senator SPECTER. Mr. Regnery, I am told by staff that those statistics are based on information from your office, since you took office.

Mr. REGNERY. Well, can I give you the figures that we worked out this morning?

Mr. WOOTTON. We talked with the staff yesterday and I was told those figures came from Gordon Raley of the House of Representatives——

Mr. REGNERY. The Democratic staff, that is right.

Mr. WOOTTON. We do not know how they were developed and we have tried very carefully to go through the numbers and to answer that question, to be prepared to answer that question today.

Senator SPECTER. You are correct. I am advised by my staff that Gordon Raley is a source, but he says that they came from the Office of Juvenile Justice and Delinquency Prevention, and he has a computer printout.

Mr. REGNERY. Let me say one thing. I believe that number was as of sometime ago, first of all. As you are talking about——

Senator SPECTER. As of what date, Mr. Regnery?

Mr. REGNERY. I do not know what date, but it was at least 2 or 3 months ago.

Mr. WOOTTON. April.

Senator SPECTER. April 10?

Mr. REGNERY. It takes a lot longer to do a competitive project than a noncompetitive project.

Senator SPECTER. Before we go to the justification for the reasons for whatever you may be doing, I would like to understand what the facts are.

Mr. REGNERY. Since I came to office on November 22, 1982, I have made a total of 61 competitive grants and 70 noncompetitive grants.

Senator SPECTER. Sixty-one competitive?

Mr. REGNERY. And 70 noncompetitive.

The dollars, competitive grants, $14,588,955.

Senator SPECTER. Noncompetitive?

Mr. REGNERY. No. These are competitive. $14,588,955, for a total of 43 percent.

Noncompetitive, $19,322,794, for a total of 56.9 percent.

I can give you every grant with the date that I gave it, the amount, the grantee and the grant number if you would like it.

Senator SPECTER. Mr. Regnery, on the decisionmaking process, how is that made? You make the final determination as to who gets the award?

Mr. REGNERY. In most cases, yes. It is a rather complicated process.

First of all, there are a number of grants which legally we have to make. Those are grants that may be for a 3-year period that were made before I came to office and which I have to sign when they come up for renewal.

Senator SPECTER. No discretion to cancel?

Mr. REGNERY. No discretion—well, you can cancel if they are not doing what they are supposed to be doing or if there is fraud or abuse or something like that. But just on discretion, no, you cannot. I am not sure what the total amount of those grants is. That is a fairly significant figure. Some of those were let competitively, some of those were noncompetitive.

Second, on grants which I initiate, it is up to me to determine what grants are ultimately signed. I certainly take a lot of advice from a lot of people, including the administration and our National Advisory Committee, the Congress and other people. Ultimately, I guess, legally it is up to me. It is also up to me to determine, together with my general counsel's office and my comptroller's office, whether or not a grant should be competitive. If it is not competitive, we prepare something that is called the sole source justification which explains from the statute and the guidelines why that grant could not be competed. In every grant that we sign, that is not competitive, there is a sole source justification in that grant.

Senator SPECTER. All right.

Let us go back to the figures of 85 percent awarded noncompetitively in terms of awards in dollar amounts, and 71 percent in terms of grants.

Was that figure accurate as of April 10?

Mr. REGNERY. I do not have any idea. I do not know who developed it, how they developed it, or anything else.

Senator SPECTER. So you do not know that it is inaccurate?

Mr. REGNERY. I know that it is inaccurate now.

Senator SPECTER. You are representing that it is inaccurate now?

Mr. REGNERY. Right.

Senator SPECTER. But——

Mr. REGNERY. It sounds to me as though it would have been inaccurate then simply because there have not been that many grants signed since April 30 which would skew it from, what would you say, 71 percent down to 53 percent.

Senator SPECTER. Would you check that because I want to know what the facts are.

Mr. REGNERY. If we can get the information from the House, I would be happy to, sure.

Senator SPECTER. You have the records, do you not?

Mr. WOOTTON. Senator, we will be glad to try.

Senator SPECTER. We have not had you identified for the record.

Mr. REGNERY. I am sorry. This is Mr. James Wootton, who is my deputy administrator.

Senator SPECTER. All right.

Taking the figure of 57 percent noncompetitive, that seems high to me, Mr. Regnery, in the face of the kinds of standards which I went through and read to you, and in the face of what the Congress has done by way of just really insisting on competition in so many lines and the OJJDP standards themselves, 57 percent on a noncompetitive basis, it just seems to me very high.

Mr. REGNERY. Well, it may be, Senator. As I say, we certainly use the guidelines that we have. We have not changed those guidelines at all since I came to office. It is a matter of discretion and as

I mentioned before, there probably are some noncompetitive grants that we could have done competitively and vice versa.

Could you give me some figure of what we should try to achieve?

Senator SPECTER. I might. I might.

Mr. REGNERY. I would be happy to work with you if you could come up with something that we could shoot for.

Senator SPECTER. I would say that you ought to be in the 80 percent range on competition and the deviations from the competitive lines ought to be made where there is no one who can compete, where it really is generally a sole source.

I think we are going to come to an analysis of that on the two areas that we are going to discuss.

But if I were to give you a judgment based on what I know of the field, and it is substantial, having worked in this field for a time, I would say something in the 80 percent range would be a targeted goal, and even as to those which delineate and move from competition, there ought to be very substantial reasons for the departure.

Let me move for a moment to the question of peer review. You say you do that on an informal basis. Could you be a little more explicit as to how you handle this question of peer review?

Mr. REGNERY. Well, it depends at what stage of the grant making process it is. Before a grant is made, some of it may simply be discussions, some of it may be phone calls, some of it may be letters or reports, some of it may be more formal and require submitting something to somebody and asking them to comment on it.

Senator SPECTER. Could you tell me how many of these 70 noncompetitive grants had peer review?

Mr. REGNERY. They probably all had peer review in some form or another.

Senator SPECTER. Could you give me an illustration? Pick out the one that is the best one on peer review and tell me what it was.

Mr. REGNERY. Well, there is one that I have not signed yet which I feel very good about.

Senator SPECTER. Pick out one of the ones that you have already granted, one of the 70 noncompetitive that you have granted.

Mr. REGNERY. Well, Pepperdine University I guess is a good example.

Senator SPECTER. On the Pepperdine University, OK. Let us go.

Mr. REGNERY. OK. I had many meetings with a lot of different people about that. When the grant application came in, it was carefully scrutinized by a number of people at the education department. We discussed it at length with at least five other educational organizations——

Senator SPECTER. Let us be specific.

The point that I was making was just a generalized question, but when you took up Pepperdine, let us pick it up. Start at the beginning of the Pepperdine grant and outline for the record just what happened, what you were looking for, and how it came into focus.

Mr. REGNERY. Let me find my notes on that.

Senator SPECTER. By the way, Mr. Regnery, while you are searching through your notes, the computer printout furnished to my staff by your office regarding the Pepperdine grant states that the total award amount is just over $2 million, and I had understood that the figure was almost $4 million.

Is there a discrepancy there?

Mr. REGNERY. Yes. We have given Pepperdine $2.02 million, I think, so far. And the grant specifies that they may qualify for a second year grant of something less than that. I think it is $1.9 million—if the first year is successfully carried out. I do not know if it is mandated that they get the second year grant or not. I do not believe it is. There are controls that we have on it before we sign a second year's check.

Senator SPECTER. So Pepperdine may not get the other $2 million?

Mr. REGNERY. That is true.

The first involvement was in September of 1983, at which time I was appointed to the working group on school discipline with—for the Cabinet Councel on Human Resources to examine the area of school crime and school discipline generally. That was an interagency working group to ultimately make a report to the Cabinet on what steps the administration might take to assist the educational establishment in controlling school discipline.

We worked throughout the fall in a number of meetings on that issue. One of the things that was suggested, in fact one of the things that my office had done before, was a center which would provide technical assistance, training, information, and other services to schools. It was done in the late seventies, and, I am not sure why it was not successful. It ended up in a lawsuit, in any case, with the grantee. As we discussed the matter with people both inside and outside the Government, it was one of the things which people generally believed could be done through my office and which certainly came specifically within the bounds of our statute and which would be assisting the country.

In November 1983, I was in California, and I visited the California School Safety Center, which then Attorney General Deukmeijian has set up, and which the present Attorney General John Van de Kamp has kept going about the same way it was before, which has had a great deal of success in California working with these issues.

I also visited a number of schools in California in that same trip that the California center has assisted, and was able to turn around——

Senator SPECTER. All right.

So you wanted to get some studies on school violence, right?

Mr. REGNERY. Well, we were not actually doing studies. I guess we were examining the different issues and talking to the people involved.

Senator SPECTER. What was the objective, what question did you want answered?

Mr. REGNERY. Whether or not it was possible to fund an entity which would be able to provide information, data, training and other services that would be helpful to schools.

Senator SPECTER. To be helpful to schools for what?

Mr. REGNERY. For controlling the crime and discipline problems.

And we found in California that they had a very successful venture which was strictly bipartisan in its approach because of the fact that it had been, among other things, run by two different attorneys general of two different parties and two different philo-

sophical backgrounds. We talked to schools that had received the California center's assistance in various areas of the State of California, who we were told, virtually universally, that the center was extremely helpful.

Senator SPECTER. But you found out that the information compiled by the two attorneys general was not sufficient. You needed a further study?

Mr. REGNERY. Well, we did not really do a study. We found that in fact——

Senator SPECTER. What did you commission Pepperdine to do?

Mr. REGNERY. We commissioned Pepperdine to set up a National School Safety Center to develop materials, hire a staff that would be able to render assistance to school districts around the country, and give them materials, be an informational exchange center for schools so that if they had problems, if they needed a manual on how to do something, if they needed an expert on how to set up a disciplinary code, or for example, if they had problems with arson, if they had problems with theft, we would have people that we could supply to those schools to assist them in taking care of those problems.

Senator SPECTER. Was this a noncompetitive award?

Mr. REGNERY. It was noncompetitive, yes.

Senator SPECTER. Why?

Mr. REGNERY. Well, we determined about how much we thought we should spend on the project. We did that by using our own staff, trying to determine from other people what was required, and determining what sorts of money we had available.

Senator SPECTER. Do you have many grants as large as $4 million?

Mr. REGNERY. Yes, we have lots of grants that big.

Senator SPECTER. What is your largest grant?

Mr. REGNERY. The largest single grant right now is the National Center for Missing and Exploited Children. That is about $2.3 million per year. So that is about $300,000 bigger than Pepperdine.

There are other projects in which there may be two or three grantees which exceed that amount. Then another example would be an organization, such as the National Council for Juvenile Family Court Judges, which might have four or five different grants, for projects whose total might exceed that.

Senator SPECTER. So it was a large grant. You are talking about very major matters if they exceed $4 million.

Mr. REGNERY. Yes. It was major. There is no question about that.

Senator SPECTER. Did you consider making it on a competitive basis?

Mr. REGNERY. Yes, we did.

Senator SPECTER. What consideration did you give?

Mr. REGNERY. Well, we tried to determine if we made it competitive whether we could find somebody who could do it more efficiently than if it were noncompetitive.

Senator SPECTER. Did you talk to any institution besides Pepperdine?

Mr. REGNERY. Yes. We talked to several institutions, most of whom were interested in doing it.

Senator SPECTER. Which ones?

Mr. REGNERY. I cannot remember exactly which ones we talked to, Senator.

Senator SPECTER. Can you remember any of them?

Mr. REGNERY. Yes. We talked to an organization in Nashville, TN, and called the Committee for Excellence in Education. That is not what it is called but something like that. It is run by Professor——

Senator SPECTER. You talked to them personally?

Mr. REGNERY. Yes, I did. They came to my office. Two people came to my office and discussed it. They concluded that they were very interested in it, but that they could not actually do the sort of things that we wanted.

Senator SPECTER. Who else did you talk to?

Mr. REGNERY. Well, we talked to a lot of people throughout the educational establishment about the merits of what we wanted to do and about how big it should be.

Ultimately, we began talking to Pepperdine University and, frankly, one of the reasons that we decided Pepperdine would be advantageous was because of the fact that we felt the rate that they were charging for doing what we wanted them to do was about as good a rate as possible. For one thing, their overhead rate was 10 percent of what other organizations charge us in some cases——

Senator SPECTER. What was their overhead rate?

Mr. REGNERY. Ten percent.

Senator SPECTER. What was it? 10 percent of what?

Mr. REGNERY. Ten percent of the total grant.

Senator SPECTER. Ten percent of the total grant?

Mr. REGNERY. Yes. It is not unusual for us to make a grant where the overhead rate would be 100 percent. That is half, 50 percent.

The Arthur D. Little grant——

Senator SPECTER. You lost me, 10 percent to 100 percent to 50 percent?

Mr. REGNERY. It varies. I think that the highest is 130 percent of the non—could you explain that a little bit better?

Mr. WOOTTON. Well, I would like to be able to explain it better but it is hard.

Senator SPECTER. Try.

Mr. WOOTTON. Well, each grant is different and you use a different percentage of a different number of direct costs.

Senator SPECTER. What figure do you come to at 130 percent of what?

Mr. WOOTTON. It is usually 130 percent of direct cost, but that may mean that with that 130 percent you have to provide the space, you may have to provide the accounting support, you may have to provide some other services to the grant as part of the 130 percent, whereas some other grant may come in and bill those as direct costs. So it is hard to compare exactly direct overhead and indirect cost rate.

Senator SPECTER. So is the overhead figure meaningful?

Mr. REGNERY. Yes, I think it is probably meaningful. It may not be meaningful in every case. In this case, it certainly was. The agreement we had with Pepperdine was that—basically they were

very anxious to do it. They had never taken Federal money before. They were anxious to do it because they believed in the project and they were basically willing to do it without any additional cost to themselves. That is, the only cost, with the exception of the 10 percent which paid for the accounting services and so on, would be what actually goes to the school districts, which is the assistance we actually render in other words. That is very unusual to get something that cheap.

In addition to that, Pepperdine has a school of education, a graduate school of education, a graduate law school and a graduate business school. They were willing to provide the resources that those schools could render to the center to help them in a variety of ways. We found this was extremely valuable.

As we checked around about Pepperdine, we found that it was a university which was certainly recognized as a very good school. It had a very good reputation. Basically I guess there were few downsides to doing it.

Senator SPECTER. What were they?

Mr. REGNERY. Well, I do not know that there were really any downsides other than what you would have with any organization. The fact that it was in California rather than in the Central United States.

Senator SPECTER. Why is that a downside?

Mr. REGNERY. Because of people traveling a lot. It might be somewhat less expensive to travel from Chicago rather than from other places, although the difference was insignificant as we looked at it. Other than that, we found that generally——

Senator SPECTER. Any other downsides besides location?

Mr. REGNERY. No, I guess there were really not any. And there was nothing else that anybody else brought to our attention that was negative.

I visited with the president of Pepperdine and with the executive vice president and others, and I had long conversations with them. I was impressed that they were willing to carry out the functions.

Senator SPECTER. Did you have conversations with any other institutions besides the one in Nashville?

Mr. REGNERY. We had some discussion with the organization that had done that grant before.

Senator SPECTER. Which?

Mr. REGNERY. That was an organization here in Washington which had received a grant from OJJDP back in the seventies.

Senator SPECTER. And you discussed this matter with them?

Mr. REGNERY. Right.

Senator SPECTER. So there were two others, one in Nashville and one in Washington?

Mr. REGNERY. At least two others. I will have to go back and check my records to see if there were others.

Senator SPECTER. What was wrong with the Washington group?

Mr. REGNERY. Well, there were a lot of problems that had developed before with the grant, which, as I say, resulted in litigation. And I am not really familiar with what that litigation was all about. But the grant was ultimately cut off and there was a lawsuit.

Senator SPECTER. All right.

Provide to the subcommittee the specifics on how many you considered and why you rejected them and the scope of the discussions.

Mr. REGNERY. I will be glad to.

[Never received for the record.]

Senator SPECTER. On the subject of peer review, where we had started off before a number of digressions, what peer review was given to the Pepperdine award?

Mr. REGNERY. As we got the preliminary papers in from Pepperdine and ultimately the final grant application. That all was reviewed for me by the Department of Education. I sent it to the Deputy Under Secretary, I believe, who is in charge of such things. He submitted it to his staff and they sent back reports on it to me. I submitted it——

Senator SPECTER. You submitted it to whom again, the Deputy Secretary?

Mr. REGNERY. The Deputy Under Secretary of the Department of Education.

There were a number of academic people whom I submitted it to.

Senator SPECTER. Who were they?

Mr. REGNERY. Including Chester Finn and Diane Ravitch.

Senator SPECTER. Who are they?

Mr. REGNERY. Finn is at Vanderbilt and Ravitch is at Columbia. They are both professors of education.

Senator SPECTER. What did they say?

Mr. REGNERY. I do not remember exactly what they said. They were very positive on it. I believe we got reports back from them.

Senator SPECTER. Had Pepperdine submitted to you a substantial written proposal at this time that you could transmit to these people for peer review?

Mr. REGNERY. Yes.

Senator SPECTER. Do you have a copy of that?

Mr. REGNERY. Yes, I do.

I do not have a copy with me. I will be glad to provide it to you.

Senator SPECTER. Would you?

Mr. REGNERY. Yes.

[Never received for the record.]

Senator SPECTER. Any other peer review?

Mr. REGNERY. Yes. We submitted it to and discussed it with people from at least four educational organizations, with which we continued to work carefully on the matter, including the National School Boards Association, the National Association of Secondary School Principals, and the National Association of School Security Directors. I may have sent it to some other people that I did not receive a response from. I do not remember, Senator. I would be glad to check that.

I can give you a complete list for the record if you would like. Those are the ones that come to mind. There may have been others.

[Never received for the record.]

Senator METZENBAUM. Would you be good enough to ask the witness to include with a copy of the Pepperdine application such letters of inquiry and such responses that he received from these or-

ganizations which he mentions, as well as the report from the Deputy Secretary of Education?

Senator SPECTER. Yes.

Would you provide those as well?

Mr. REGNERY. I will be glad to.

[Never received for the record.]

Senator SPECTER. Would you provide all of the materials which you have with respect to these two questions, that is, the question of competitive bid and the question of peer review?

Mr. REGNERY. Yes.

Senator SPECTER. Who else—not competitive bid, but what other possible sources you looked to, what documents you have reflecting their submissions, your conversations with them, or on the matter of peer review, whom you contacted, what questions were raised, what they submitted by way of writing?

Mr. REGNERY. Some of that was probably face-to-face meetings, Senator. I may have notes in my records.

In other cases, I may not. But in any case I will certainly submit whatever we have got.

Senator SPECTER. Would you care to amplify in any way the relationship between Mr. Nicholson and Pepperdine? You started to talk about that at the outset. I think it would be helpful——

Mr. REGNERY. Yes.

Senator SPECTER. Let me finish my question.

I think it would be helpful if you put in the record the full context of that relationship.

Mr. REGNERY. Right.

As we discussed this thing with Mr. Nicholson, and I believe I first discussed it with him on November 16, 1983, we discussed the possibility of the concept of a center that would provide data and other services to schools. I do not believe it was until sometime after that, probably in December, that we actually began discussing with Mr. Nicholson the possibility of his involvement. Mr. Nicholson was the director of the California School Safety Center, appointed by Mr. Deukmejian, and I believe he was kept on for a while by Mr. Van de Kamp. We discussed the possibility of his becoming involved in it, although it was always qualified with having somebody to whom we could give a grant.

Senator SPECTER. The contact with Pepperdine was on what date again?

Mr. REGNERY. I believe Mr. Nicholson first contacted Pepperdine in late December.

Senator SPECTER. So Mr. Nicholson made the first contact with Pepperdine as opposed to your office?

Mr. REGNERY. As I recall, we were talking on the telephone. And he said, let me call Pepperdine, I do not know anything about it, but it has got a good reputation in California, to see if they were interested. We were interested in involving the university in order to make the contract. So he made the contact with Pepperdine and apparently got a hold of the executive vice president on the phone, who he did not even know, I believe. There was some interest on Pepperdine's part. We then sent one of our staff members who oversees these kinds of grants, Len Johnson, who I believe is here today, to California to discuss the possibility of such a venture with

Pepperdine. He met with the executive vice president and others at Pepperdine to determine whether or not Pepperdine would be a competent grantee, whether it could provide the——

Senator SPECTER. Let us call him forward since we are on the subject and get it directly from him.

What is your name, sir?

Mr. JOHNSON. My name is Leonard Johnson.

Senator SPECTER. Mr. Johnson, would you rise, and Mr. Wootton, if you are going to be providing testimony, would you rise too?

Do you solemnly swear that the evidence you will provide in this hearing will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. WOOTTON. I do.

Mr. JOHNSON. I do.

Senator SPECTER. Mr. Johnson, you were the staff man who went to Pepperdine?

Mr. JOHNSON. Yes, sir.

Senator SPECTER. Tell us about it.

TESTIMONY OF LEONARD JOHNSON, STAFF, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. JOHNSON. Well, actually I was in Reno at the time working on a proposal with the National Council of Juvenile and Family Court Judges, and from there went to Sacramento where I met Mr. Nicholson. We discussed many things about the grant, such as the budget to give him some insight as to what is required of a Federal grantee, and answer any questions that he might have.

From Sacramento I flew down to Los Angeles and rented a car and drove up to Malibu where I met with the executive vice president, Dr. Davenport, and his staff. There again we discussed the requirements of a Federal grantee.

Senator SPECTER. How much input did Mr. Nicholson have on the matter as it evolved, contrasted with the other people from Pepperdine?

Mr. JOHNSON. How much involvement did he have?

Senator SPECTER. Yes.

Mr. JOHNSON. I do not know. I discussed with Mr. Nicholson, as I interpreted it, that he probably would be running the program as the project director if, in fact,the grant was awarded.

Senator SPECTER. Mr. Regnery, I want to move ahead. There are a great many things to cover——

Senator METZENBAUM. Can I ask what date was that you went up to Pepperdine?

Mr. JOHNSON. That was approximately January 25, somewhere in that neighborhood.

Senator METZENBAUM. Of 19——

Mr. JOHNSON. Of 1984.

Senator SPECTER. Mr. Regnery, I want to move ahead to the question of the American University grant, this question of peer review. I want to explore that and the matters that are involved. There will be quite a few questions which we will submit in writing to you, but I do want to call on Senator Metzenbaum to give him an opportunity to question here in a few moments, and on the question of peer review, it has been reported in the APA publication,

The Monitor, that two experts in areas related to the American University grant, Dr. Gilbet Guyus of the University of California at Irvine, and Mr. Leonard Eron of the University of Illinois, reviewed the proposal and stated that it would not have passed peer review had it been put through the process.

The subcommittee staff has consulted a third independent expert for corroboration and has been advised that the proposal would not have passed in a number of respects.

Without getting into the specifics at this time, I would be interested in your comment and observation on peer review subjects as it relates to the American University grant.

Mr. REGNERY. OK. First of all, I think one thing that is important to understand about the American University grant is that it is called a cooperative agreement rather than a grant. That means that we have substantially more control over what American University does than we would had we given a grant.

The amount of money that is in the cooperative agreement is a ceiling, and we control how much is spent up to that ceiling. The ceiling on that grant was about $800,000 for 2 years. And one of the things that we have done since we made the grant, and one of the reasons we made it a cooperative agreement, is because we were not sure, entering into the area that American University was investigating, just what the boundaries were, what sorts of things we were going to run into, or anything else.

Now, in fact, as we have looked at what we have done so far in 6 months, we spent about $84,000, I believe, or we are spending money at the rate of $320,000 for 2 years. So, in fact, that grant may be very much smaller than $800,000. In any case, in terms of peer review, the people who were directly involved in that grant and who have handled that whole thing all are here and can give you the best evidence, as it were, rather than——

Senator SPECTER. Your staff members?

Mr. REGNERY. My staff members, Mrs. Reisman from the American University, and I believe other officials from American University who have been directly involved. They can tell you precisely what has happened step by step. And we are prepared to present those people to you. They can do it better than I because what I know is what they told me.

Senator SPECTER. Well, on the peer review subject, would Mrs. Reisman be able to comment on that?

Mr. REGNERY. Either Mrs. Reisman or Pam Swain from my staff, who is the Grant Monitor.

Senator SPECTER. Does Mrs. Reisman know about the peer review question?

Mr. REGNERY. I believe either she or Ms. Swain would.

Senator SPECTER. The peer review would have been something that your staff would have directed and seen about before the matter was undertaken.

Mr. REGNERY. Well, it is still going on. Peer review is an ongoing process.

Senator SPECTER. All right. We shall call on them.

But before leaving your own testimony, was this a competitive——

Mr. REGNERY. No, it was noncompetitive.

Senator SPECTER. Grant or agreement? It was not competitive. Why not? This was a subject matter of media violence and pornography, correct?

Mr. REGNERY. Correct.

Senator SPECTER. A very well studied subject, hardly a matter for sole source.

What I am exploring here is why not a competitive situation with respect to a subject like media violence and pornography?

Mr. REGNERY. Well, we probably could have done a competitive grant on media violence and pornography. In fact, what we had was a grant application which was unsolicited which we believed met the specifications of our guidelines on a unique project. It was to be done by somebody whom we felt had good qualifications to do it.

Senator SPECTER. A grant application which was unsolicited?

Mr. REGNERY. Right.

Senator SPECTER. Which means that you were not looking for something along this line?

Mr. REGNERY. That is right.

Senator SPECTER. But it came to you?

Mr. REGNERY. That is right.

Senator SPECTER. And then you were interested in it?

Mr. REGNERY. That is right. It was part of a larger project that we were working on involving exploitation of children, child abuse, and we believed that it fit in with two or three other projects that we were directing.

Senator SPECTER. Well, I can understand your being interested, whatever the source may have been, whether it was your idea or somebody else's idea.

But once you made the decision that you wanted to have a grant or an agreement, a joint agreement, for the sum of $800,000, why not do it on a competitive basis? Why not look for others in accordance with the general principles of competition that are so heavily emphasized in your department's operations?

Mr. REGNERY. Well, as I say, we probably could have done it competitively but, on the other hand, we believed that it met the requirements of the sole source guidelines that the general counsel had developed because of the unique aspects of it, and because of the fact that it was an unsolicited grant proposal. I suppose we could have taken and turned it around and done more or less what American University wanted to do.

Senator SPECTER. Well, I still do not understand why you did not do it. It seems to me an irrelevancy came from that. Once you decided whatever the source was, it is important that they are well qualified, but the issue then is, is somebody else better qualified, or the issue may be articulated as, is it not desirable to give somebody else an opportunity to bid on it where they might come in at a lower cost or with greater qualification? You do not know until you try.

Mr. REGNERY. Well, first of all, since it was a cooperative agreement, I guess the cost factor really was not an issue because we control the cost during the life of the agreement. That was the sort of thing we could not really predict—what it was going to cost

before we got into it, because we did not know what we were going to find.

As you mentioned, pornography is something that has been highly studied. What this grant generally wanted to do was to look through the studies, both published and unpublished, find all of them and assimilate them. And until you know what studies you are up against, I guess you do not know how much time you are going to spend. So, in fact, we controlled that arrangement.

Senator SPECTER. My point in examining these two issues of competition and peer review, and using these for illustrative purposes is, you asked me before, what percentage ought to be competitive and what percentage ought to be noncompetitive. I gave you a judgmental call, 80 percent.

But as we get into American University, I see no reason why this should not be a competitive grant.

TESTIMONY OF JAMES WOOTTON, DEPUTY ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. WOOTTON. Senator, I think the context—and I think it will be gone into more fully by other witnesses—in which Mrs. Reisman came to our attention, and then our willingness to address this as a noncompetitive grant was based around a shift in our focus at OJJDP—from thinking that recreational activities were the only way to prevent delinquency, to instead, looking at some of the root causes of delinquency. And we very quickly came upon sexual exploitation, abuse of children, and a lot of family disfunction as possibly being the biggest causes of juvenile delinquents or at least worthy of further inquiry.

When Mrs. Reisman came to our attention, one of the things that was very interesting about her work was her theory, which I do not know anyone else has propounded. I think it is unique. Her theory is based on the fact that there has been an increasing acceptance in certain pornographic media of children as sex objects. She has done a whole media study which includes all of the media—I think the title of it was "From Shirley Temple to Pretty Baby." It was the Brooke Shields syndrome of a 12-year-old being a viable sex object

Senator SPECTER. Shirley Temple as a sex object?

Mr. WOOTTON. No, No; the point was Shirley Temple was not a sex object, Senator, and Brooke Shields is. The point is that as we looked at——

Senator SPECTER. Shirley Temple was 3. Brooke Shields was what?

Mr. WOOTTON. She was 12, Senator, and I do not think an appropriate sex object at that time. But the point is that when we looked at that as a possible cause of the increased awareness, we do not know whether there has been this kind of sexual abuse in the family for the last millennium because no records have been kept. But certainly it has come to the public's attention more in the last 10 years, and as it has, we were wondering whether there was a connection between that and the increased sexualization of children in the pornographic magazines.

She came to us with that theory. And upon inquiring, we found that no one else was pursuing this as a theory.

Now, there were other people pursuing other aspects of media violence and pornography, but regarding what became our concern

about causation of delinquency and problems of the family, the idea of the sexualization of children seemed to fit.

Now, whether or not we would have had a broader inquiry as to who the people are that are involved, I think we could argue that.

Senator SPECTER. Now, wait a minute. That is precisely my point.

You say to me you had no reason to believe anybody else was in the field, but you had no reason to believe that somebody else was not in the field. That is your job as a Federal agency, to look to the field, see if there are others in the field, who on a competitive basis can provide a better service at a lower cost.

Mr. WOOTTON. Senator, you are a lawyer, and you know——

Senator SPECTER. Yes, sir.

Mr. WOOTTON. You know that when you go to get a lawyer, you do not always pick the cheapest lawyer, and you do not always pick the lawyer that has a particular set of qualifications on paper. You pick the lawyer that you want. For whatever reasons, in some of these situations, you end up giving a grant to someone who seems to have something that might bear fruit.

Now, whether or not this is going to bear fruit is premature.

Senator SPECTER. Let me make two distinctions with you.

When I go to pick a lawyer, I am a private citizen, and I can choose anybody I want, because I am spending my own money. You are not. You are spending the Government's money. And the Congress has said that we want competitive bidding. We want a competitive situation.

Now, I am not saying to you that you should not consider factors beyond price, qualification, experience, exposure, ideas, and the best one may not be the least expensive, but I think there is a fundamental effect if you do not look to competition, which you did not do here, and which you have not done in 57 percent of the cases. That is really the point I am getting at, and I am not picking at this American University issue.

The purpose of an oversight hearing is to have an exploration of what you are doing, and this committee may not be right. You may choose to do it differently. And if the Congress wants to make a change legislatively, the Congress can. We do not control what you do. We simply make suggestions to you in terms of an oversight function.

But there are a lot of people in the field of pornography, and I think that the issue of pornographic materials as they relate to children are very important. There has been more family sexual abuse and more mistreatment of juveniles, generally.

But the point that I come to is that there is nothing unique about this situation which would have precluded that kind of inquiry on your part. You may have come right back to them, and if you had, fine.

Mr. REGNERY. Senator, let me say that I think you are absolutely right. As I said before, I do not profess to believe that our competitive process is by any means perfect. We try to adhere to the statute and to the guidelines, and in this case I believe the General Counsel reviewed this to determine whether or not it was an appropriate grant to be sole source. They concluded that it was.

Now, maybe that means that our guidelines need to be changed. It is certainly a lot more comfortable for me to make a competitive

grant than a noncompetitive one, simply because then I am not held accountable for the ones that did not get a grant, and then I do not have people coming in and yelling at me because somebody else got the grant. And in many cases, you are right.

I get better people to do the grants competitively. But there are down sides, too. So I do not think that we could conclude that we should compete everything.

Senator SPECTER. Well, I am not saying that you should.

One point which may be small, which may not be small, Mr. Regnery. You made a representation that the American University group came to you on the statement which has been submitted by Ms. Reisman. On page 4, she said that she was contacted by Mr. Wootton.

Mr. REGNERY. I think, yes, I believe that could be true. She was contacted, and she can explain to you how she got hooked up with American University. Ultimately, American University prepared the grant application.

Senator SPECTER. So she did not come to you?

Mr. REGNERY. Well, she came to me personally. I do not know if she came to the office, or we went to her. American University, in fact, came to us with the grant application.

The term solicited and unsolicited grant is, in fact, a term of art. A solicited grant is one that you advertise through the competitive process.

Senator SPECTER. Now, I do not want to——

Mr. REGNERY. There may have been some discussions——

Senator SPECTER. I do not agree with you, with the terms of art. Let us get to the facts. Who came to whom?

Mr. REGNERY. Well, could we let the people that were involved talk about it? I had a meeting with Ms. Reisman——

Senator SPECTER. Mr. Wootton, do you know?

Mr. REGNERY. Then sometime after we got an application——

Mr. WOOTTON. Yes, sir.

Senator SPECTER. Tell us.

Mr. WOOTTON. I heard Ms. Reisman—I was interested in her theory that the Kinsey Institute may have been involved in some activities that would shed some lack of credibility on the findings of the Kinsey reports on child sexuality, and sexuality generally. Those Kinsey reports had been very influential in the 1970 Presidential Report on Pornography.

I called the show, and talked to the producer, and asked if they had a way to get a hold of Ms. Reisman. They did. I called her, and asked her if she would come down. We talked. She was obviously very committed to the area of the sexual exploitation of children. She brought with her some things that indicated an interest in pursuing that particular problem. She was particularly interested in the area of pornography. She was somehow involved with Haifa University in Israel at the time. What her post was, I do not know exactly.

At the conclusion of our talk, I took her in to see Al Regnery. He was interested in what she had to say. We came up here and met with certain Senate staffers, and with Senator Denton. She explained to him what her theory was on the sexualization of chil-

dren. He was very interested, thought we should pursue it. The staffers thought we should pursue it. We basically left it to her.

Senator SPECTER. You have covered the question. You went to her.

Mr. WOOTTON. This is the important part. That is, we left it up to her to come to us, if she had a proposal that would address our particular area of concern. In other words, she had an area of expertise—ours was delinquency prevention—and she came to us with a proposal that would deal with the role of pornography and media violence prevention.

At that time we had what was essentially, as Mr. Regnery said, an unsolicited proposal.

Senator SPECTER. Mr. Wootton, when did you become Deputy?

Mr. WOOTTON. December 1983.

Senator SPECTER. Let me take up briefly this issue of peer review so that we can get to that before turning to Senator Metzenbaum.

Who on your staff handled that with respect to the American University grant?

Mr. REGNERY. Two different people, Senator. Robert Heck, who is here, who is a juvenile justice specialist, and Pamela Swain, who is the head of the research division of our institute.

Senator SPECTER. Well, Ms. Swain and Mr. Heck, please step forward.

While you are standing, will you both raise your right hand?

Do you solemnly swear that the testimony that you are about to give to this congressional subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HECK. I do.

Ms. SWAIN. I do.

Senator SPECTER. Just as rapidly as I can, I would like to find out what was the peer review given by the Office of Juvenile Justice and Delinquency Prevention to this grant, or this joint agreement.

Mr. HECK. Senator, thank you for this opportunity——

Senator SPECTER. Would you identify yourself?

Mr. HECK. I am Robert Heck.

Senator SPECTER. And your position, Mr. Heck?

Mr. HECK. I am the program specialist in the Office of Juvenile Justice.

Senator SPECTER. Thank you.

TESTIMONY OF ROBERT O. HECK, PROGRAM SPECIALIST, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. HECK. Back in April of 1977, when I was with the Law Enforcement Assistance Administration, I was a police specialist, and I began working on child murder cases and serial murderers. I do not mean to digress too much, but I think it is important because this leads up to our interest in child pornography. That in the course of——

Senator SPECTER. Mr. Heck, what I am interested in is the specific issue of peer review on this American University matter.

Mr. HECK. Yes, sir.

On May 23, I was on sick leave, and I was home in bed, and I listened to the same radio program that the Deputy Administrator heard. I had been working on this program for the office, and when

I came back into the office the next day, where I had been working on the missing and murdered children program, I asked if it was possible that we could meet with a Dr. Reisman, who had been working in that area of pornography that had come up with a group of law enforcement people with whom I had met.

When the application came in, that was some time—a lot of history between that, and when the application came in from American University. I had been working with Dr. Ann Burgess of the University of Pennsylvania and a Mr. Doug Moore.

Senator SPECTER. Did Dr. Burgess provide some peer review on this matter?

Mr. HECK. Yes.

Senator SPECTER. What was that?

Mr. HECK. That the program area and the research area that Dr. Reisman would propose to embark upon was most relevant——

Senator SPECTER. Aside from the area, how about the specific program that Ms. Reisman suggested?

Mr. HECK. Yes. She did.

Senator SPECTER. And did Dr. Burgess provide something in writing on that?

Mr. HECK. I might have something in writing.

Senator SPECTER. Do you have it with you?

Mr. HECK. No.

Senator SPECTER. Did you come to testify today about the peer review on American University?

Mr. HECK. No, I did not know what I was going to be testifying on today.

Senator SPECTER. Did you know that you were going to be testifying about American University?

Mr. HECK. No, I thought that I might be testifying about murdered and exploited children and pornography.

Senator SPECTER. What did Dr. Burgess provide to you?

Mr. HECK. Dr. Burgess and Dr. Reisman were part of a law enforcement specialist group that was working with me on——

Senator SPECTER. On the question of what Dr. Burgess did with respect to Ms. Reisman, do you recall specifically what she said?

Mr. HECK. She said that in the program area that we were involved in, it was most essential that we had research of this type as a part of the program.

Senator SPECTER. Mr. Regnery, would you provide me with whatever writings you had from Dr. Burgess?

Mr. REGNERY. Yes.

[Never received for the record.]

Senator SPECTER. Before you leave Dr. Burgess, did you consider it relevant, Mr. Heck, that Dr. Burgess was herself the recipient of a grant from OJJDP?

Mr. HECK. At the time Dr. Burgess was not a recipient of a grant.

Senator SPECTER. Was she later a recipient?

Mr. HECK. Yes, she was. She was part of a working group that I had been working with since July.

Senator SPECTER. Does it raise any problem in your mind that OJJDP grantees are a part of a peer review program?

Mr. HECK. In all of the programs that I know of, I have always used peer group people that I have been involved with. In fact, Dr. Burgess and Dr. Reisman made presentations to a peer group that I was working with on serial murders and child exploitation and pornography.

Mr. REGNERY. Senator, if I——

Senator SPECTER. Just a minute. Just a minute, Mr. Regnery.

My question to you, Mr. Heck, was do you consider it relevant in taking a peer group evaluation, that the evaluator is a grantee?

Mr. HECK. Most importantly, yes. In fact, it was a peer group that I took most of this advice from. It was a peer group of law enforcement officers, and Dr. Burgess, whom I had never met before July, whom I had read extensively, and who has been involved in sexual exploitation of children research. It was a peer group that I had brought together on this subject that was most important in making recommendations.

Senator SPECTER. So are you saying that it is helpful——

Mr. HECK. It is.

Senator SPECTER. Excuse me, I did not finish my question.

Are you saying that it is helpful that a peer group evaluator is also a recipient of an OJJDP grant?

Mr. HECK. No, we are talking about two different things here.

Senator SPECTER. Well, let me tell you what I am talking about.

My question is, Is it appropriate for a peer group evaluator to be an OJJDP recipient at the same time that the peer evaluation is given?

Mr. HECK. We are not talking about a case that I know of, Senator.

Mr. REGNERY. Senator, could I respond to that?

Senator SPECTER. I am asking a general question.

Mr. HECK. Just a general question. If you have got a person under contract to do peer group review, which I understand a lot of Government agencies have, that is what we are supposed to do. But I have never operated that way.

Mr. REGNERY. Senator, excuse me. Because of the size of the juvenile justice field, and because of the extensive work that my office has done over the years, I think it would be very difficult to find a peer reviewer who was not, or had not been, a grantee of my office at some point, or who might even have a grant pending, or a request. There just are not people around out there who know these subjects, who have not been involved at one point or another. We do it all the time.

I do not find it to be problematic at all, because you can take the review that you get from them—you can take it or leave it, as advice. You know if they are a grantee or not, and it is pretty easy to see if they are trying to get something out of you in terms of a grant.

Senator SPECTER. Mr. Regnery, would it be unduly burdensome for you to give the subcommittee a list of all the people in the field?

Mr. REGNERY. I believe we gave you a list yesterday, of about 85 people whom we use. In fact, I have another copy here of people we, generally use for peer review.

Senator SPECTER. Well, my question is a broader question than that.

Are those all the people in the field?

Mr. REGNERY. No, those are not all the people. Those are the people that we are currently using as peer reviewers.

Senator SPECTER. Yes, my question goes to your statement that it is a small field, small universe, and I would like to have you provide, if it is not unduly burdensome, the full scope of expert talent who are available. I would just like——

Mr. REGNERY. I would hate to give you a conclusive list, Senator, because if I forget somebody they are going to be mad at me. I guess, no, I cannot give you a conclusive list, obviously.

Senator SPECTER. You cannot make everybody happy.

It seems to me, you may be exactly correct, but it is not something that I would want to accept at face value, that there are not people beyond those whom you do business with, and who would be in a position to give peer evaluation.

Mr. REGNERY. One of the problems which we very often encounter on this is that we try to use people who may not have been grantees. And the immediate cry goes up that they are not juvenile justice experts. They do not know anything about it and we are using people we should not be using.

Senator SPECTER. I did not say your job was easy, Mr. Regnery.

Mr. HECK. Senator, may I? You know, Senator, we are speaking of peer review. I had 16 people, law enforcement, State and local, FBI, Dr. Burgess—before any grant was given—who were all involved in this particular area, in which we had a whole program.

I have memos to Administrator Regnery indicating what this peer group had requested that the Office of Juvenile Justice do.

Senator SPECTER. Well, my question, Mr. Heck, is did these people review the proposal by American University?

Mr. HECK. Not at the time that they made recommendations for this type of research.

Senator SPECTER. Well, who did review the American University proposal——

Mr. HECK. After——

Senator SPECTER. Just a moment. Let me finish. Who did review the American University proposal, if anyone, besides Dr. Burgess?

Mr. HECK. Mr. Moore of Sam Houston Juvenile Justice Center.

Senator SPECTER. And was that in writing?

Mr. HECK. I had sent him a letter with the proposal, yes.

Senator SPECTER. And did Mr. Moore respond to you in writing?

Mr. HECK. He responded at another meeting that I had minutes of. I have minutes of the meeting.

Senator SPECTER. Did he respond to you in writing?

Mr. HECK. No. No.

Senator SPECTER. Did anybody else give you peer review of American University's proposal?

Mr. HECK. In writing?

Senator SPECTER. Well, either way.

Mr. HECK. Yes.

Senator SPECTER. Who else?

Mr. HECK. Capt. Robert Robertson of the Michigan State Police, Special Agent Roger DePue, of the Behavioral Science Unit, FBI

Academy; Sgt. Charlie Hill of the Jacksonville, FL, Police Department; Pierce Brooks, retired Los Angeles homicide investigator.

Senator SPECTER. All these people reviewed the American University proposal?

Mr. HECK. Yes, they reviewed a presentation made by Dr. Reisman, regarding her research activity.

Senator SPECTER. And was it the same way that you sent each one of these people a letter?

Mr. HECK. No. No. This was all a presentation. This was before that group. The presentation was made——

Senator SPECTER. The American University——

Mr. HECK. No, not American University, Dr. Reisman. Dr. Reisman made a presentation to this group regarding a proposed activity that she was engaged in.

Senator SPECTER. When was that presentation made?

Mr. HECK. July 11—July 12, 1983.

Senator SPECTER. Do you have any documents on that subject?

Mr. HECK. Yes.

Senator SPECTER. Would you provide those to the committee, please?

Mr. HECK. I certainly will.

[Never received for the record.]

Senator SPECTER. Were there any dissenters? What was the result of the peer evaluation?

Mr. HECK. Those are in the documents. They recommended that two major research projects be coupled with the Serial Murderer Tracking Program, and I have documents so indicating.

Senator SPECTER. So Dr. Reisman's program was connected to the Serial Murderer Tracking Program?

Mr. HECK. Yes.

Senator SPECTER. Do you consider these individuals experts who are qualified to make a comment on the methodology or scientific methodology of Dr. Reisman's program?

Mr. HECK. I consider these people the most important people that I have worked with in exploring all the areas of violence and pornography. They are all law enforcement people who have a very, very deep interest in finding out what is happening.

Senator SPECTER. Ms. Swain, do you have anything to supplement the answers given by Mr. Heck on the peer review of Dr. Reisman's proposal?

TESTIMONY OF PAMELA SWAIN, HEAD OF THE RESEARCH DIVISION, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Ms. SWAIN. I am working now with Dr. Reisman at American University, to ensure that she has consultants available to her, both through the university and in the form of her project advisory committee, which is composed of experts who are not affiliated with American University. We are in the process of identifying that group who will oversee Dr. Reisman on the project.

Senator SPECTER. Has anyone been so identified, as of this moment?

Ms. SWAIN. No.

Senator SPECTER. How long have you been working at the effort to identify such a peer review group?

Ms. SWAIN. A couple of months.

Senator SPECTER. And when do you expect to have some people identified?

Ms. SWAIN. I hope we will by the end of this month.

Senator SPECTER. By the end of August?

Ms. SWAIN. Yes, sir.

Senator SPECTER. Just one final question before turning the matter over to Senator Metzenbaum.

Mr. Wootton, you have been the recipient of a grant from the Office of Juvenile Justice and Delinquency Prevention?

Mr. WOOTTON. No, sir; I have not.

Senator SPECTER. Were you the project director of the grant?

Mr. WOOTTON. No, sir, but let me help you out.

Senator SPECTER. Will you?

Mr. WOOTTON. I have had a contract with them.

Senator SPECTER. OK. It is not a grant, but a contract. Tell us about it, please.

Mr. WOOTTON. Well, what would you like to know?

Senator SPECTER. All about it.

Mr. WOOTTON. Well, I met with Al Regnery, sometime in April 1983. He talked to me about the need that the office had in the area of reauthorization, his particular interest in having a very substantial restitution program, and whether I could be of help to him in these areas.

We concluded that I could, and we explored ways in which I could be compensated. I was on a contract, because it exceeded a certain amount of money. A sole source justification went through the General Counsel's Office, and I was approved as the contractor.

Senator SPECTER. According to the information I have, the amount was $20,050, and the award was on April 29, 1983; which is the beginning date, and the ending date was September 6, 1983; does that sound about right to you?

Mr. WOOTTON. Yes, sir.

Senator SPECTER. And what services did you perform for that?

Mr. WOOTTON. Well, during that time I was constantly involved in the reauthorization question. We had a deadline. The office at that time had a deadline of May 15 to have something submitted to the Hill on what the position of the administration would be on the reauthorization of the office.

I participated in the creation of a memo that went forward. I continued to participate with the National Advisory Committee by attending the meetings and preparing various materials for those meetings. At the same time I began a process—and in terms of peer review, an extensive process—of getting everybody in the juvenile justice area involved in designing a restitution program.

Senator SPECTER. And you finished those services prior to the time that you became deputy, in December 1982?

Mr. WOOTTON. Well, we have not been reauthorized yet, Senator, so I think my services concerning the reauthorization continued.

Mr. REGNERY. But as an employee, yes.

Mr. WOOTTON. As an employee, yes. Under the contract, I was finished with those services prior to becoming deputy.

Senator SPECTER. Senator Metzenbaum?

Senator METZENBAUM. Mr. Regnery, as you know, George Nicholson was asked to testify here today, but he declined. Mr. Nicholson has, however, submitted a letter to the chairman, which I will be referring to from time to time.

In Mr. Nicholson's letter, he says the following:

During late 1983, the Administrator of OJJDP was referred to me in my capacity as a former Senior Assistant Attorney General and Director of the California Department of Justice School Safety Center, as a then member of the California Governor's Office of Planning and Research.

Mr. Regnery, could you tell us who referred you to Mr. Nicholson?

Mr. REGNERY. I believe it was Attorney Frank Harrington.

Senator METZENBAUM. Who is he?

Mr. REGNERY. He is an attorney who lives in Virginia Beach and is the chairman of the Victims Assistance Local Organization. He has done extensive work in the area of criminal justice in victims' assistance, juvenile justice and other things. I have consulted with him and conferred with him from time to time.

Also, we had done a considerable amount of work in school safety, and apparently he either knew of, or knew, Mr. Nicholson, and said that I should see him.

Senator METZENBAUM. You said that you believed that it was he. Was it he that referred you to Mr. Nicholson? You said you believed it was.

Mr. REGNERY. Yes; I think I knew of Mr. Nicholson—otherwise I do not really remember how. I guess I heard his name from here and there, and Harrington told me that Nicholson would be a good person to talk to.

Senator METZENBAUM. When and where did you meet with Mr. Nicholson to discuss school safety, and to seek his assistance?

Mr. REGNERY. I met with him in Sacramento, CA, I believe it was at the Holiday Inn, and I think the date was November 16, 1983.

Senator METZENBAUM. Were there others present?

Mr. REGNERY. Yes; there were. Mr. Wootton was there, one of Mr. Nicholson's assistants from the Governor's office was there, and I believe that Linda Otto was there also—the person who had produced "Adam" the missing children movie, and who happened to be in Sacramento. We simply asked her to have dinner with us. She was not interested in the center.

Senator METZENBAUM. That was the first meeting. Was there anyone else present at that meeting?

Mr. REGNERY. Well, I do not think so.

Senator METZENBAUM. And was there a second meeting?

Mr. REGNERY. There have been lots of meetings since then. Yes; Mr. Nicholson was in Washington, probably in early January. I believe the next meeting was here, which was in my office.

Senator METZENBAUM. Was there another meeting prior to that, in December 1983?

Mr. REGNERY. I do not think that there was.

Senator METZENBAUM. I think you testified—the reason I am asking the question is, you testified that in December 1983 you began discussing the Nicholson involvement.

Mr. REGNERY. Yes; I talked to him on the telephone a number of times. Mr. Wootton probably talked to him in December on the

telephone, in fact I am sure he did, but I do not believe there were any face-to-face meetings between the November 16 meeting and subsequently in my office in January.

Senator METZENBAUM. Now, Mr. Nicholson says that, "I was asked to consider the possibility of becoming more directly involved."

Does that indicate that you or others on your staff invited Mr. Nicholson to prepare this grant request?

Mr. REGNERY. Not at that point. Initially, I asked Mr. Nicholson—who had, I guess, as much experience in this issue as anybody I could find—to give me some advice on what we should do, what we could do, and how much it might cost. He did that.

As we discussed on the telephone what those arrangements might be and what we should do, it sort of slowly evolved. We asked if he would be interested in being involved in this with us if he could find an appropriate grantee, because of his experience. He indicated such an interest.

Senator METZENBAUM. So that between November 16 and January 9, this matter evolved to the point where you were inviting Mr. Nicholson to submit a grant, send an application for the grant?

Mr. REGNERY. No; I never invited Mr. Nicholson.

Senator METZENBAUM. To find a sponsor to do that?

Mr. REGNERY. Excuse me?

Senator METZENBAUM. To find a sponsor.

Mr. REGNERY. Well, I told him if he could find an appropriate sponsor, we wanted to do something along the lines of school safety. And I said if you could line up something, with an appropriate grantee, we very likely could work something out with him.

Senator METZENBAUM. That is pretty much the same procedure you followed with Ms. Reisman?

Mr. REGNERY. Well, it was——

Senator METZENBAUM. To the point that you indicated your willingness to accept an application for a grant, provided that the individual with whom you were speaking——

Mr. REGNERY. Yes, not unlike that.

Senator METZENBAUM. Pardon me?

Mr. REGNERY. Yes; that is true.

Senator METZENBAUM. Now, is that going to be the standard procedure at OJJDP, and is that not a very unusual procedure for any Government agency to use?

Mr. REGNERY. No; I do not think it is unusual, from what I can gather from the way my office has functioned in the past, and the way the other Justice Department offices function. Some statutes require that all grants be made by competition. Ours does not.

And actually it is not, in fact, the standard procedure now. I think, in fact, there may be other small research grants that we do that way—where somebody will come along that has a proposal on research, and we tell them that we have to give the grant to an entity of some sort where they might find the entity. It happens. I guess it is not the usual.

Mr. WOOTTON. Senator, let me just give you an example on this competition thing right now.

The stars of the research area, the people that have been working in the field for a long time, have gone around and aligned

themselves with various institutions that are large enough to have the financial capability of handling a large Government grant, yet those people are not connected with those institutions at all. So what they do is go and lend their name, their résumé, and work on the grant proposal, and in the event that that institution wins the competition, they will attach themselves to that competition.

Senator METZENBAUM. But there was no competition.

Mr. WOOTTON. No; I understand. And the idea of people attaching themselves to an institution because the institution has the financial capability of handling a large Government grant is, I would say, very common.

Senator METZENBAUM. Mr. Wootton, I will be glad to get to my questions to you in due time, but the point that I am making is that this is a highly unusual procedure, where an applicant for a grant may carry that application under his or her arm, or at least figuratively so, and go to a university and say I think I can get this if you will become the sponsor.

I would say to you, Mr. Regnery, that if that is the usual procedure for other governmental agencies, I would like you to advise us of any other governmental Federal agency that has followed that procedure.

Now, as you know, in Mr. Nicholson's letter, he says:

> My first contact with the university was made by calling Los Angeles telephone information, asking for the university telephone number, dialing it, getting a receptionist, and asking for the person in charge of the university. I was then fortuitously directly connected, late on a Friday afternoon, to the executive vice president, David Davenport, whose secretary happened not to be there.

Now, that was pretty much a stroke of luck for Pepperdine, and for Mr. Nicholson, as well. As a matter of fact, if he got the wrong number from information, or if his secretary had not been on a coffee break, Pepperdine University might have lost a $4 million grant, and Mr. Nicholson might not have had an applicant.

Now, let me ask you a question. Pepperdine is in Malibu, near Los Angeles; is that correct?

Mr. REGNERY. Right.

Senator METZENBAUM. And if Pepperdine—where is the Pepperdine University National School Safety Center?

Mr. REGNERY. Sacramento.

Senator METZENBAUM. How far is that from Los Angeles?

Mr. REGNERY. It is about an hour on the airplane. I do not know how many miles.

Senator METZENBAUM. About 400 miles, as I understand it, is it not?

Mr. REGNERY. Probably.

Senator METZENBAUM. Why is the School Safety Center located in Sacramento, if Pepperdine is located in Malibu?

Mr. REGNERY. Well, a number of reasons. For one thing, the rent is a lot cheaper in Sacramento.

Senator METZENBAUM. Could you not be on the campus?

Mr. REGNERY. No; they did not have room on the campus. They would have had to put it some place else in Los Angeles. They determined that, in fact, the way Californians travel, it takes about the same amount of time to get to Sacramento as it does to get to other parts of Los Angeles.

Senator METZENBAUM. Where does Nicholson live?

Mr. REGNERY. He lives in Sacramento. And that is another reason that it was put there. There were a number of people, I believe eight or nine people on the staff, who were hired away from the attorney general's office in California that were working on school safety. There seemed to be a number of people there that would be easily employed in Sacramento, which was certainly one of the considerations.

Senator METZENBAUM. As a matter of fact, he was hiring a staff of his own choosing. None of them were, or are, present Pepperdine employees, is that not correct?

Mr. REGNERY. I do not believe any of them were Pepperdine employees at that time, and that is the way it was intended.

Senator METZENBAUM. And the center is being outfitted from top to bottom with new furniture, and equipment, with Federal funds, is that correct?

Mr. REGNERY. That is correct.

Senator METZENBAUM. And according to the grant application, as the chairman has already indicated, Pepperdine will get $400,000, or 10 percent, for being located 400 miles away, and as I see it, their employees will not be involved, or will that not be just sort of——

Mr. REGNERY. No; their employees are not employed by the center, but in fact many of their employees are involved. They provide accounting services, for example. They report back to us. They have a liaison person who spends, I think, about half of his time overseeing the grant.

They——

Senator METZENBAUM. I thought——

Mr. REGNERY [continuing]. They provide some legal services. They provide a lot of other things that they charge to overhead, the $400,000, which, of course, is contingent upon getting a second year——

Senator METZENBAUM. I would like to have Mr. Johnson come back to the table for a moment, please.

Mr. Johnson, the original application for Pepperdine called for salaries totaling $935,000 for the first year, plus 20 percent for fringe benefits, is that correct?

Mr. JOHNSON. As far as I can recall, that is correct.

Senator METZENBAUM. And for the second year, 7 percent increase was to be allowed for salaries?

Mr. JOHNSON. That is true, Senator.

Senator METZENBAUM. And the original application called for $75,000 salary for Mr. Nicholson?

Mr. JOHNSON. The original proposal, application, yes, not the final. Yes.

Senator METZENBAUM. And the final figure was what?

Mr. JOHNSON. $65,000.

Senator METZENBAUM. And is it correct that Mr. Nicholson recently applied for a salary increase, less than 6 months after the grant was approved?

Mr. JOHNSON. For whom, Senator?

Senator METZENBAUM. For himself.

Mr. JOHNSON. No; that is not true. As far as I know, Senator, that is not true.

Senator METZENBAUM. Under travel costs, it is estimated that members of the executive staff will be required cumulatively to make 75 trips total to each of the 58 States and Territories, of at least once during each of the years of the grant, and $60,000 per year was allowed for that travel, is that correct?

Mr. JOHNSON. That is approximately true. As far as I know.

Senator METZENBAUM. Consultants and specialists' travel is estimated at $81,000, and attendance at conferences, 120 of them, no less, is estimated at $15,000, that is just for the conference fees alone, is that your understanding?

Mr. JOHNSON. Well. I belive that 120 was reduced to approximately 100.

Senator METZENBAUM. Pardon?

Mr. JOHNSON. The 120 came in the original proposal——

Senator METZENBAUM. What was it reduced to?

Mr. JOHNSON. One hundred. This is over a 2-year period

Senator METZENBAUM. So the whole travel cost comes to $156,000 per year?

Mr. JOHNSON. That is approximately true.

Senator METZENBAUM. So now I understand they budgeted $35,000 for telephone. That is for 1 year?

Mr. JOHNSON. That should be for a 2-year period.

Senator METZENBAUM. What has been spent so far, for telephones, do you know?

Mr. JOHNSON. No, Senator, I do not have the report.

Senator METZENBAUM. Well, you have oversight in connection with this matter for the Office of Juvenile Justice and Delinquency Prevention, is that correct?

Mr. JOHNSON. That is correct, Senator.

Senator METZENBAUM. Is it a fact that the $35,000 that was totally budgeted, that they have already expended that amount for telephones?

Mr. JOHNSON. That they have already?

Senator METZENBAUM. Yes.

Mr. JOHNSON. I cannot answer that, because I have not seen a report which would reflect that.

Senator METZENBAUM. When did you get your last report?

Mr. JOHNSON. Let us see, the report came in for June 30, this month, but the report itself does not——

Senator METZENBAUM. Do you have the report with you?

Mr. JOHNSON. No, I do not. The report, even if I had it with me, Senator, does not break down into that category.

Senator METZENBAUM. And how much have they spent so far out of that budget?

Mr. JOHNSON. Well, as far as I can remember, they have spent approximately $600,000, or something like that—that includes what we have given them in advances and also what they have expended.

Senator METZENBAUM. Does that include equipment budgeted? Have they spent the entire $241,750 for equipment?

Mr. JOHNSON. I cannot answer that, Senator.

Senator METZENBAUM. And do you know whether the more recent reports indicate that they bought two conference tables for $9,000, including 34 chairs?

Mr. JOHNSON. No; the report would not reflect that.

Senator METZENBAUM. And I notice that they are purchasing a copygraphic photo compositor for $30,000, and a graphic arts camera for $6,000, and spending another several thousand dollars for other equipment normally used in the printing equipment.

Mr. Johnson, I know a little bit about the printing business, and I also know that the center plans to spend well over $200,000 for printing.

Now, the previous items I mentioned are used in typesetting, and the making of negatives for the printer. What is the center doing spending its money for typesetting equipment? What does it have to do with school safety? What is going to happen to all of this equipment at the end of the 2-year period?

Mr. JOHNSON. Well, Senator, at the end of the 2-year period, any capital item, an item that costs $1,000 or more, must be returned to the Government.

Well, it depends on the grant. We may transfer it to another grantee in California, or we could transfer it back to us, or we could say sell it. There are a number choices that we have.

Senator METZENBAUM. Why would the center be buying video recorders, and audio recorders, and blank video tapes?

Mr. JOHNSON. Well, the idea of the center is to, first of all, do the research and try to find out about model programs located throughout the Nation. The video would be to record this information visually, and to ship it to other schools, or school districts throughout the Nation, that may have a similar problem.

Senator METZENBAUM. Let me ask you a question. Do you know that they bought 1,000 blank video tapes at $20 each, for a total of $20,000?

Incidentally, I think that was in their budget, and matter of fact, as I understand it, I do not buy many video tapes, but I am told that you can buy them at retail for $6, $7 apiece.

So how do you justify it? What did you do when you saw that item in the budget, just say OK?

Mr. JOHNSON. Well, whenever an application comes in, it is standard procedure that the application goes to the Office of the Comptroller. There they have financial management specialists who review each item on that budget, to determine whether the cost is allowable or whether the cost is excessive.

Senator METZENBAUM. Did you not help them write the application for the budget? Did you not testify to that earlier?

Mr. JOHNSON. No; I did not testify that I helped them write the budget.

Senator METZENBAUM. What did you testify to?

Mr. JOHNSON. I said that I gave them some technical assistance as to what is required of a Federal grantee.

Senator METZENBAUM. Well, the Comptroller just examines what the facts and figures conform with other figures?

Mr. JOHNSON. No, no.

Senator METZENBAUM. Who makes the policy decision with respect to 1,000 tapes at $20?

Mr. WOOTTON. Senator, the Comptroller is here——

Senator METZENBAUM. I will be very happy to inquire of you, Mr. Wootton, when I am ready.

Mr. WOOTTON. We were asked to have the Comptroller here.

Senator METZENBAUM. I understand that, and if I wanted to hear from the Comptroller, I would do that. At this moment I want to hear from Mr. Johnson.

When you looked at these figures, $240,000 for equipment, $20,000 for 1,000 tapes, $20 each, the other figures with respect to telephone and travel cost and conferences, did you raise any questions concerning any of these figures?

Mr. JOHNSON. No, I do not think I raised any questions, because I really did not know what it cost for a tape, and I relied on the people who reviewed these financial matters.

Senator METZENBAUM. But are you not in charge of reviewing the financial matters?

Mr. JOHNSON. Of course. I review it, but I am not the final authority on it.

Senator METZENBAUM. Now, the application was made on what date, Mr. Johnson? Was it January 9, 1984?

Mr. JOHNSON. That is probably correct, sir. It was around that time.

Senator METZENBAUM. What were you doing out there 16 days later, on January 25, helping them with technical assistance and making the application?

Mr. JOHNSON. Senator, I stand corrected. I was in Reno twice that month, and it was actually on the first trip to Reno that I went to Sacramento, which would make it around January 5. January 5, rather than 25, January 5.

Senator METZENBAUM. So you are correcting your earlier testimony?

Mr. JOHNSON. Yes, I am.

Senator METZENBAUM. Mr. Regnery, is it a fact that the Cabinet Council on Human Resources issued a report on school violence in December 1983, announcing that Nicholson had agreed to head the National School Safety Center, and that was actually even before the application had been made.

Mr. REGNERY. That was in January 1984, not 1983.

Senator METZENBAUM. What was in January 1984?

Mr. REGNERY. When we issued the report to the President on School Safety.

Senator METZENBAUM. What was the date?

Mr. REGNERY. January, early in January 1984.

Senator METZENBAUM. But the application was only made——

Mr. REGNERY. January 3, 1984.

Senator METZENBAUM. So that was 6 days before the application was even made?

Mr. REGNERY. Right. And I believe that that document stated that we were discussing putting together a National School Safety Center. I cannot remember the exact words. I do believe George Nicholson's name was in there.

Senator METZENBAUM. That would certainly not lend credibility to the testimony that we had from you and others about peer review. You could not have had the peer review before the applica-

tion was made, and so therefore the peer review, if any, was merely a formality, was it not?

Mr. REGNERY. No, the peer review——

Senator METZENBAUM. Just a moment. Because the Cabinet Council had already announced that Mr. Nicholson was going to head it up.

Mr. REGNERY. No, that is not what the Cabinet Counsel announced at all. The Cabinet Council mentioned, and I believe I have a copy of that document.

Senator METZENBAUM. Why do you not tell us exactly what they announced?

Mr. REGNERY. Let us see, "the Department's Office of Juvenile Justice and Delinquency Prevention will be establishing a National School Safety Center, which George Nicholson from Governor Deukmejian's staff has agreed to direct."

Senator METZENBAUM. Well, is that as definite as it possibly could be?

Mr. REGNERY. Well, I guess what I would conclude from that, since the Cabinet Council has no authority to make grants that I know of, is if, in fact, we get a suitable grant application, he has agreed to be the director of it. But that does not conclude that he is to get it by any means.

I could have received that grant application, and the Comptroller could have rejected it. In fact, we went back and forth with the Comptroller for a month before the thing was accepted.

Senator METZENBAUM. If a staff member, or a member of the team turned down an application, after the Cabinet Council had indicated publicly what was going to transpire, how long do you think that member of the team would still be around?

Mr. REGNERY. The team was ended anyway. So the question is irrelevant.

Senator METZENBAUM. The question may not be irrelevant. What I am saying is, once the White House has spoken, and the Cabinet Council is a part of the White House, once the Cabinet Council has spoken, I am saying to you, are you suggesting that you might turn down such an application? You were part of that Cabinet Council.

Mr. REGNERY. I was part of that Cabinet Council. Sure, I would have been glad to turn down that application. I think all it says is that if we can do something acceptable, George Nicholson has agreed to be involved in it.

Senator METZENBAUM. I will not belabor that point any further.

When you testified in the House last April, you stated that you thought that more than half the grants made since you took over the office had been competitive. But that you did not have the exact figures.

Now, since then, you have provided a list to the House Committee, and from November 22, 1982, through April 10, 1984, a total of 62 new grants and contracts were awarded. Nearly 70 percent were awarded, as the chairman has stated, without competition, the dollar amount of those 62 grants comes to $19,441,939. The total, $16,434,792 was awarded without competition, or nearly 85 percent.

Now, when the chairman asked you about this, you said those figures were not correct.

Mr. Regnery, I am going to give you a copy of the Justice Department's printout, signed by Robert McConnell, Assistant Attorney General, and tell me why you told the chairman that the 71-percent figure and the 85-percent figure were not correct, and that the House had released the figures? And I will show them to you.

Mr. REGNERY. First of all, let me explain to you, Senator, that what I believe I said to Senator Specter was that as of this date those figures may be wrong. They may have been correct in April, I do not know.

Let me just explain another thing.

Senator METZENBAUM. Wait a minute. Let us just stay with that. They were correct as of April, were they not? Not they may have been. If they were not, then tell me how they were not correct.

Mr. REGNERY. Well, there are a number of ways they may not have been correct.

First of all, there is a substantial amount of money that my office gives to interagency transfers. That money cannot be competitive, or not be——

Senator METZENBAUM. We are only talking about——

Mr. REGNERY. It may have been added to one or another——

Senator METZENBAUM. We are only talking about new grants, and contracts initiated for the Office of Juvenile Justice and Delinquency Prevention, November 22, 1982, through April 10, 1984. What I am saying is, if it is not correct, then tell us how it is not correct, because then I want to get to the totals to date.

Mr. REGNERY. I would be glad to do that. It will take me a while to do it I would be glad to submit it. I do not think I can—do you want me to go through this thing and tell you each one?

Senator METZENBAUM. No, you do not need to go through it now, but you have got Mr. Wootton and others, but if there is some correction of the facts, other than what the chairman stated they were, we would like to know before this hearing concludes.

Mr. REGNERY. Oh, I could give you right now a list of every grant that I have signed since I have been in the office, that shows whether or not it is competitive.

Senator METZENBAUM. We have that.

Mr. REGNERY. It is not a printout, it is actually a sheet that shows the grantee, the date, and so on.

Senator METZENBAUM. I am not concerned about that. I am concerned about the actual grants that have been made.

Now, you went on to testify that up until very recently, you indicated that the figures had changed, and now the figure of noncompetitive is about 57 percent, and the competitive is 43 percent.

Mr. REGNERY. That is right.

Senator METZENBAUM. Mr. Regnery, there is only one conclusion that can be reached on the basis of that, and that is that since April 10, knowing full well of the House concern on this subject, and the Senate's concern on this subject, you have put out $11,500,000 in competitive awards, and $2,900,000 in noncompetitive awards, which has changed the percentage, but it was only after your House testimony, and the pressure that the Congress has indicated as to their view, that you changed your awarding of contracts, is that not so?

Mr. REGNERY. Well, I do not think that is exactly accurate. No. If I could get a competitive grant out in 2 months, I would be able to do something that no other Government agency has been able to do. If I signed a lot of competitive grants since April, those are all things that have been in the pipeline for the last year. It may be in fact that there were, and I do not know, the figures change every day. I have not substantially changed my policy on competitive and noncompetitive grants.

We have a program plan that we publish at the beginning of the year, that specifies the things that we are going to do. In fact, we made the choices months and months ago as to what was going to be competitive and what was not. Those things are all in the pipeline. I have made no decision basically on new grants for the last 6 or 8 months.

Senator METZENBAUM. All right, let us change to a different subject.

I would like to read your brief excerpt from the transcript of your confirmation hearings last year.

The CHAIRMAN. The Washington Post last Sunday, April 3rd, reported that you had cut off certain grantees who appeared on a hit list, supplied to your office by the National Council of Family and Juvenile Court Judges. Mr. Regnery, are you aware of such a list, and did you take such action?

Your answer:

Well, I have never seen that hit list, Senator. I have heard about it ever since I came to the office, but for some reason, which as I look back on it, surprises me that nobody ever gave it to me, so I do not know who is on it.

The CHAIRMAN. I presume that you feel that you will use the money in the best way possible, without regard to any partisan politics?

Mr. REGNERY. That is correct.

Now, do you still maintain that you had no hit list of grantees when you took over the Office of Juvenile Justice?

Mr. REGNERY. I do.

Senator METZENBAUM. Did you ever develop a hit list?

Mr. REGNERY. I did not.

Senator METZENBAUM. Do you still stand by your testimony at your confirmation hearings, that you would use money in the best way possible, without regard to any partisan politics?

Mr. REGNERY. That is right, absolutely.

Senator METZENBAUM. And would you cut off a group just because you considered them liberal?

Mr. REGNERY. I do not think I have that power, Senator. I have given grants to people who identified themselves as liberals, and I have denied grants to those who have identified themselves as conservatives.

Senator METZENBAUM. Have you ever indicated a different point of view? Have you ever said that if they are liberal, something of the kind, I would not make those grants?

Mr. REGNERY. I do not recall that I did. That is not the basis on which I make those decisions.

Senator METZENBAUM. Have you terminated, or refused to renew many grants?

Mr. REGNERY. No. I have not given new grants that have been requested We have terminated, in the midst of grants, only one

that I can think of, which had serious financial problems and which the Comptroller advised us to terminate.

Basically, I do not have the power to terminate grants, unless there is fraud, or abuse, or something like that.

Senator METZENBAUM. Good. On July 13 of this year you addressed a group in San Francisco known as the Family Forum, is that correct?

Mr. REGNERY. That is right.

Senator METZENBAUM. Now, that is really Jerry Falwell's group, is that right?

Mr. REGNERY. I believe he is involved, together with a lot of other people, in it, yes.

Senator METZENBAUM. In that address, the following exchange occurred between you and the moderator. First, the moderator asked this question—Senator Metzenbaum turned on tape recorder:

I would like to ask one question now that you have testified on a couple of times, talking about different programs that your Agency funds Nationwide.

Specifically I am concerned about whether liberal welfare State-type people who would contend it is the Government's responsibility to educate and train children, and this type of thing, how many of those organizations were funded in the past, and how many of those type organizations are currently receiving funds?

Answer:

I do not know how many there are now. There have been an awful lot that were in the past. My office has a budget of about $70 million a year. I have been in charge of it since November of 1982, I guess, for about a year and a half, and I know that I counted up about 6 months ago a number of grants that we had terminated, or not renewed, and it came to about $60 million. Most of those were groups that I did not think should have gotten the money, and I will let you guess what sort of groups that they were.

[Laughter.]

Senator METZENBAUM. You told that group that you terminated, $60 million, and there was a lot of laughter about it, and you indicated, I guess you know what kind of groups those were.

Mr. REGNERY. Senator, those were most—in fact, there was a list of about $60 million——

Senator METZENBAUM. Wait a minute. I will ask my question in just a minute.

Tell me, what were you laughing about when you were talking to this group about the $60 million terminations?

Mr. REGNERY. OK. Let me tell you what I was laughing about. I guess it was most of the other people who were doing most of the laughing.

We had a list made up, some time ago, of the organizations, or the grants that is, that had been terminated, and it did in fact come to about $60 million. Virtually all of those were programs that ended. They were programs that were designated for 2- or 3-year periods, and then came to an end.

In many cases those grants came back and said they wanted a fourth year on a third year program, or they wanted a couple more years. For the most part I have denied those requests. In fact, there was one of those that resulted in a lawsuit, that went to the Circuit Court of Appeals for the District of Columbia, which we won unanimously. There have been no other suits, so I guess what we did was not wrong.

Certainly, we are trying to reflect the policies of this administration on crime, on children, on families and things like that. Many of the organizations that were funded during the Carter administration, whose projects came to an end during my tenure, probably did not reflect that, and those were people that may have come back asking for more.

Nevertheless, I must say that there are a number of organizations that were funded before, which we did renew.

Senator METZENBAUM. You told me that you did not terminate any groups, and then you started to explain there might have been one. You told Jerry Falwell that there were—I counted up, about 6 months ago, the number of grants that we had terminated, or not renewed, not only not renewed, or not renewed. And it came to about $60 million. Most of these were groups that I did not think should have gotten any money, and I will let you guess what sorts of groups they were.

Now, either you were telling them a fiction when you spoke to the Falwell group, or you were telling us a fiction, because here you told them that there were $60 million that you terminated, or did not renew. You told us that there was only one that you could think of that was terminated.

Mr. REGNERY. Terminated is probably the wrong word to use. Those were people that came in and wanted more money, which I did not give to them.

Senator METZENBAUM. Well, how many did you terminate, or not renew, because you did not like their political philosophy or their social point of view?

Mr. REGNERY. Well, if you would include in that the ones who came in looking for more money, who had been grantees before, but who were not entitled to it, I cannot tell you how many there were. There were probably lots of them.

Senator METZENBAUM. You told Falwell $60 million.

Mr. REGNERY. No, I told Falwell—$60 million, the total figure of awards that had been terminated during my tenure was $60 million, and by termination, that means they might have terminated in their own right

Senator METZENBAUM. Your total annual budget is only $70 million, is it not?

Mr. REGNERY. That is right, but many of those projects were for more than 1 year.

Senator METZENBAUM. Now, let me go to a different subject.

On May 29 of this year, three present, or former employees of your staff were questioned by the Justice Department, and were denied counsel at that time.

Could you tell the committee what that was all about?

Mr. REGNERY. Well, I am not going to comment on the investigation, because as you know, Senator, we have a policy at the Justice Department that we do not talk about ongoing investigations so we do not prejudice anybody.

Second, that is an investigation——

Senator METZENBAUM. Wait. You do not talk about ongoing investigations, you may prejudice anybody?

Mr. REGNERY. Right.

Senator METZENBAUM. Does that mean that you do not discuss it publicly, at all?

Mr. REGNERY. That is true.

Second——

Senator METZENBAUM. Now, you would not talk to anybody about it then, when there is an ongoing investigation, or is it just you would not want to talk to the Senate oversight committees?

Mr. REGNERY. I certainly would not want to talk to anybody publicly about it. I would probably talk to people privately about it.

Senator METZENBAUM. Have you discussed the issue publicly elsewhere?

Mr. REGNERY. I have been asked about it, and I probably have commented on it, as I will comment to you, and let me tell you how that is going to be.

First of all, that is an investigation that is being carried out by the Office of Professional Responsibility of the Justice Department, which I have nothing to do with.

Second, it was an investigation started at my request, because of the fact that a number of files had been taken from peoples' desks in my office, a number of things had been removed from filing cabinets, there was a disruption among the staff, and it was pretty obvious that things were being removed without authority.

I simply went to the General Counsel, and I said I think we have a problem, and I would appreciate it if you could do something about it, and if you could investigate it.

To my knowledge, I have not discussed it further than that, because I really do not know anything about it. I have read the transcripts of the people that were investigated, and I think other than that, I really have had very little contact with them.

Senator METZENBAUM. Have you refused to give the transcripts—has the Office of Professional Responsibility refused to give the transcripts of the investigation to the employees involved?

Mr. REGNERY. I do not know. I do not have the transcripts. I read the transcripts in the general counsel's office.

Senator METZENBAUM. Now, let me understand it correctly. You just gave us a statement. You discussed that subject with no one, other than as you just told us now, or have you talked about the subject in the same manner at other places?

Mr. REGNERY. I have been asked about it a couple of times. Whether I used different words, I do not exactly recall what I said I guess I tried to—since I do not really know anything about the investigation, as such——

Senator METZENBAUM. Did you talk to the Falwell group about it?

Mr. REGNERY. Yes, I think I did have a question from the group in the Falwell meeting.

Senator METZENBAUM. And you spoke to them at some length about it, although originally you indicated to me a couple of minutes ago that you did not feel that you were in a position to discuss it.

As you well know, we have a tape of your discussion with the Falwell group, and we question how you found it appropriate to discuss the subject with the Falwell group, and not with this oversight committee.

Mr. REGNERY. Well, again, I guess I discussed the fact that we had a problem in our office ongoing, which I had turned over to the investigators.

Senator METZENBAUM. But you have already said publicly, to the Falwell group, it is a thievery question.

Mr. REGNERY. That is just what I told you, did I not?

Senator METZENBAUM. No, you did not use that word. You did not say that they were stealing Government documents, as you told the Falwell group.

Mr. REGNERY. The Government documents were removed, or stolen, I guess. Six of one, and a half a dozen of the other.

Senator METZENBAUM. And you also said—well, let me share what you did say. Maybe you have forgotten

[Senator Metzenbaum turned on tape recorder:]

The other question you asked about prosecution, the Justice Department has begun investigation of people in my office for illegal taking of Government files and giving them away. It is not so much a leak question as it has been made out to be, as it is a thievery question, stealing documents, and also disruption of Government files, and we have quite a problem there in my office. It is all stuff that has been taken under the Freedom of Information Act, but which for some reason various people thought they would help themselves, which has made it difficult for us to function, and so we have—the Justice Department has an office which looks into that sort of thing, and they have done some investigating to find out who is responsible. That investigation is still ongoing. Nobody has been prosecuted.

In fact, I think everybody was given immunity from prosecution when they were asked the question. So it is not as serious as Jack Anderson, or whoever wrote about it, went on.

[End of tape recording.]

Senator METZENBAUM. Mr. Regnery, I have trouble understanding how you can get into a discussion with the group in San Francisco, but reluctant to discuss it with this committee, and so I intend to ask you some questions about it, and I expect I will get some answers from you.

What does it mean—what did you mean when you said disruption of Government files?

Mr. REGNERY. It means that there were files that had things removed from them—grant files—and when people came to work, they found things missing. Things had been put back in the files in disarray and things of that nature.

Senator METZENBAUM. Are there actually documents missing from your Department?

Mr. REGNERY. Yes, there are.

Senator METZENBAUM. What are they?

Mr. REGNERY. I do not know.

Senator METZENBAUM. Who does know?

Mr. Wootton, do you know?

Mr. WOOTTON. No, sir, I do not. I do know of one file in particular that was missing. I do know that sections of files were missing, because all this information was turned over to the Office of Professional Responsibility.

Senator METZENBAUM. What file was missing?

Mr. REGNERY. Pepperdine University, I believe.

Mr. WOOTTON. I am not really certain.

Senator METZENBAUM. The whole file?

Mr. WOOTTON. Well, the one file that I know about—when it came back, I found that it had been disrupted, and I gave this information to the General Counsel, who handled this, because we are not involved in it. I think it involved the National Center on Missing Children. I think that is the file.

Senator METZENBAUM. Did you, Mr. Wootton, or did you, Mr. Regnery, institute or ask for the investigation?

Mr. REGNERY. Yes, I did.

Senator METZENBAUM. Now, the question that really concerns many of us on this particular issue is whether it was a leak investigation, and if it was not a leak investigation, then I would ask you to tell me why the people involved were asked about contacts with members of the media.

Mr. REGNERY. The Office of Professional Responsibility carried out the investigation. I believe they talked to a number of different people, to try to find out what was going on. I did not even discuss it with them after I turned it over to them, and I guess you would have to ask them as to why they asked any particular question.

Senator METZENBAUM. Were any of your Department's records dusted for fingerprints?

Mr. REGNERY. Yes, I believe one was.

Senator METZENBAUM. Which one?

Mr. REGNERY. I have no idea.

Mr. WOOTTON. I think that was the Missing Children's Center file that I turned over.

Senator METZENBAUM. Do you have the Pepperdine file now?

Mr. WOOTTON. I assume so. Do we have it?

Mr. JOHNSON. We do not have it here.

Mr. WOOTTON. As far as we know, we know where it is.

Mr. REGNERY. I think there was one file that was missing which we were able to reconstruct and replace all the documents that were taken.

Senator METZENBAUM. Now, the documents you refer to, did they mainly concern the grants from American University and Pepperdine University—no, you are talking about the missing Children's file and Pepperdine. Are they two documents that you are talking about?

Mr. WOOTTON. That was the one that I was involved with, Senator.

Mr. REGNERY. Those were two of them. There may have been others, too. I do not know.

Senator METZENBAUM. Are you familiar with a man named Robert Cushman from California?

Mr. REGNERY. Yes.

Senator METZENBAUM. Tell me who he is, and what you know about him.

Mr. REGNERY. He was the head of an organization called the American Justice Institute in Sacramento. I do not believe he has that job anymore, and I am not sure what he is doing.

Senator METZENBAUM. Are you aware that he was questioned by the FBI about a phone conversation you had with one of these three employees?

Mr. REGNERY. Yes; I understand that he was questioned.

Senator METZENBAUM. Can you tell the committee what a cross continental phone conversation from a private home here in Virginia to an office in California would have to do with so-called stolen documents?

Mr. REGNERY. No, you would have to ask the Office of Professional Responsibility. I have no idea.

Senator METZENBAUM. Did you give the Office of Professional Responsibility Mr. Cushman's name?

Mr. REGNERY. No. I believe they got it from another employee in my office who they questioned in the course of their investigation.

Senator METZENBAUM. Whom did they get it from?

Mr. REGNERY. I do not know.

Senator METZENBAUM. How do you know that they got it from another employee in your office? What is the source of your information?

Mr. REGNERY. The General Counsel.

Senator METZENBAUM. The General Counsel to whom?

Mr. REGNERY. To the Office of Justice Assistance, Research, and Statistics.

Senator METZENBAUM. The Office of Justice and Research?

Mr. REGNERY. OJARS, which provides us with General Counsel's Office service.

Senator METZENBAUM. That is part of the Department of Justice?

Mr. REGNERY. Yes.

Senator METZENBAUM. In your San Francisco appearance, you said the employees were given immunity from prosecution. That is the Falwell group.

Could you tell me when they were given immunity, and how, because my information is totally to the contrary?

Mr. REGNERY. I believe they were given it by the Office of Professional Responsibility. How, I do not recall. It may be in the transcripts. I guess that is where I probably saw reference to it.

Senator METZENBAUM. The employees themselves say they were not. And I might say, in this connection, that I had urged upon my respected chairman that these three employees be brought in before the hearing. The employees were very willing to come in. They did not have to be subpoenaed, but the chairman exercised, in his prerogative, which I respect, saw fit not to include them.

I still would say, Mr. Chairman, that I would hope if we bring back Mr. Nicholson, that in the interim period, you might reconsider and see fit to bring them. I think it would be helpful to this committee's deliberations concerning these three employees, who as I see it, have been called before the attorneys of the Department of Justice, without being afforded counsel, who made telephone calls which reported, concerning information on this subject, spoke to no one else about it, and then found that that information was in the hands of the FBI. I cannot understand the circumstances as to how it got there.

I think it would mean much to this hearing, and to this entire inquiry, but I do not wish to question or challenge your responsibility, because in the last analysis you are the chairman.

Senator SPECTER. Well, now, for someone who does not mean to challenge, you just have. And I shall be glad to respond at this moment, as I have to privately.

I considered the mattter thoroughly and declined to have those witnesses at this hearing because it is not a matter for oversight by this subcommittee. The issues which you raised go to the Department of Justice, Office of Professional Responsibility, and whether or not the Department of Justice, Office of Professional Responsibility, acted properly or not.

There may be good reason to question the propriety of action by the Department of Justice, Office of Professional Responsibility, but that does not bear on the way that the Office of Juvenile Justice and Delinquency Prevention has comported itself.

I believe that oversight is important, and I believe that with some experience on interrogation and cross examination, that my own questions on this subject were thorough and expansive and got to the point. And when you have raised this subject today with Mr. Regnery, I chose not to say anything, except to inquire as to how long you would take on the matter, although I do not believe that it is an appropriate matter for inquiry at this time. I do not believe that it is appropriate for inquiry because it does not bear on the way that Al Regnery, or this Department, has run itself. This bears on the way that the Office of Professional Responsibility has run its Department, and this subcommittee does not have jurisdiction or authority over that Department.

I said to you privately when you raised the subject that I have inquired about the Office of Professional Responsibility in a hearing involving Michael O'Rourke, which was conducted in this room on Monday afternoon, and have had a very significant disagreement with the Office of Professional Responsibility, and it may well be that we ought to have a thorough oversight inquiry, and I might say to you that if I had the power to do so, I would.

Senator METZENBAUM. I respect the chairman. The chairman is always fair, the chairman is always thorough, and the chairman has conducted an excellent line of inquiry today.

I think the fact that Mr. Regnery saw fit to discuss this subject publicly with Jerry Falwell's crowd does open the door, it becomes a Pandora's box. But I must say further to you that I believe that an oversight committee not only has the right to inquire into the actions of the particular agency involved, but as in this instance, those who are legal counsel, representing the Agency, as the Office of Professional Responsibility is doing, in a sense, although not directly——

Senator SPECTER. Well, I disagree with you. They are not representing this Agency at all. The Office of Professional Responsibility has duties to make investigations within the Department of Justice, and they make investigations. And they are subject to oversight by the Committee on the Judiciary, but they are not involved with the Office of Juvenile Justice and Delinquency Prevention, and when——

Senator METZENBAUM. Mr. Chairman, I hope we are on your time.

Senator SPECTER. I am here until 1987, so I have got a lot of time. And you are here until 1989, so you have even more time, at least for the moment, than I do.

But I do not believe that Mr. Regnery opened the door, not that we are in a judicial proceeding for opening the door. Mr. Regnery

testified that he has not discussed the matter beyond characterization of people taking files, or having files missing, and when you played the tape, I listened carefully, and he said just about the same thing then.

But whatever Mr. Regnery may say here or in California, he is not going to define the scope of these proceedings.

Senator METZENBAUM. Mr. Chairman——

Senator SPECTER. I will, unless the subcommittee overrules me.

Senator METZENBAUM. I see no useful purpose in belaboring the point. You have ruled as you did, and I respect your right to make that ruling, and I do not question your motivation nor your integrity in doing so, and having said that, let me go back to the inquiry.

All right.

Senator SPECTER. Let me just add one more thought.

It is the responsibility of this subcommittee to have oversight hearings, and we have, from time to time, and one was due. But it was Senator Metzenbaum who requested this oversight hearing, and immediately when he said to me, Arlen, it is time we had an oversight hearing, I said, Howard, you are right, and I set it up very promptly, then I delineated in terms of appropriate oversight hearings.

Senator METZENBAUM. I am prepared to take an oath that you are a good chairman, and a fair chairman, and that you do a good job as chairman of this subcommittee.

Senator SPECTER. Well, now I understand why you did not mean to challenge me.

Senator METZENBAUM. Having said that, Mr. Chairman, I would like, if you would be good enough to call up Judith Reisman, Dr. Berendzen——

Senator SPECTER. No more time for redirect?

I will honor Senator Metzenbaum's request again, this one.

Will the next panel please come forward?

Senator METZENBAUM. Mr. Regnery, I think you might stay.

Mr. REGNERY. Stay at the table, or stay at the hearing?

Senator METZENBAUM. No, stay at the table, because I may have some questions. We have plenty of chairs.

Senator SPECTER. I think that is a good idea. Some of these matters may overlap. So it would be easier for you to comment if you stay at the table.

Senator METZENBAUM. If staff would be good enough to see that there is an extra chair there, I would appreciate it, so that Pam Swain may also come to the table.

I thank you.

Senator SPECTER. The subcommittee is now calling Dr. Judith S. Reisman, the American University, School of Education; Dr. Richard E. Berendzen, president, the American University; Dr. Frank Turaj, dean of the College of Arts and Sciences.

Will the three of you just announced, please stand and raise your right hand?

Do you solemnly swear that the evidence and testimony that you give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. REISMAN. I do.

Dr. BERENDZEN. I do.

Dr. TURAJ. I do.

Senator METZENBAUM. Dr. Reisman——

Senator SPECTER. Excuse me. Dr. Reisman will make an opening statement, and then I will ask questions, and then we will come to you.

Dr. Reisman, we will turn to you first. We have your statement. It will be made a part of the record in full, and it is our practice to request that statements be summarized so that we leave the maximum amount of time for questions and answers, if you could do that conveniently.

TESTIMONY OF A PANEL CONSISTING OF JUDITH S. REISMAN, PH.D., THE AMERICAN UNIVERSITY, SCHOOL OF EDUCATION, WASHINGTON, DC; DR. RICHARD EARL BERENDZEN, PRESIDENT, THE AMERICAN UNIVERSITY, WASHINGTON, DC; AND DR. FRANK TURAJ, DEAN OF THE COLLEGE OF ARTS AND SCIENCES, THE AMERICAN UNIVERSITY, WASHINGTON, DC

Dr. REISMAN. I understand I have approximately 5 minutes.

Senator SPECTER. Yes.

Dr. REISMAN. I will take precisely that. Perhaps a second over.

Senator SPECTER. Well, that would be fine. You are not tied to that precise time, but to the extent that you can be in that range, it would be helpful.

Dr. REISMAN. Fine, thank you very much.

I will essentially summarize the written testimony that is now in your hands.

Mr. Chairman, I am here today in response to your request to discuss the subject of my research for the Office of Juvenile Justice and Delinquency Prevention. I thank you for this opportunity to explain why this investigation of mainstream erotica/pornography is important.

Senator METZENBAUM. Ms. Reisman, would you bring the mike a little closer to you? It is difficult to hear you.

Dr. REISMAN. Certainly. Should I repeat, or did you hear that enough?

Senator METZENBAUM. No.

Dr. REISMAN. The background to this award is discussed fully in the testimony, and for your careful review. I will now discuss the project itself.

My proposal, in 1984—1983, excuse me, was for a major multidisciplinary research project on pornography, sexual exploitation and abuse, and juvenile delinquency. A cooperative agreement with OJJDP and the American University was awarded in December of 1983 and the contract was signed by the university in 1984. I am pleased to be the first woman to receive a major grant for the investigation of mainstream erotica/pornography.

Having established our office and hired staff, by early May, we are now into phase I of our project. We have been gathering mainstream erotica/pornography, focusing on three magazines with the largest mass circulation; Playboy, Penthouse, and Hustler. Playboy and Hustler rated among the top 13 revenues in 1982.

It seems important that present in the content of all three magazines is a documentable evolution of children portrayed as viable sex targets.

It is my premise that the pattern of media child sex exploitation began slowly. First, the least threatening but very effective medium of cartoon art. That is, the cartoon scenario was the common setting in erotica/pornography within which the breaking of sexual taboos first appears. Thus, we have begun our research with an analysis of cartoons in each of the three magazines, to be followed by other content analyses.

I have a sample of these with me, and I would be more than happy to show them to you.

Another hypothesis being tested is that these children are portrayed as increasingly sexualized, and that child sex cartoons become more sexually explicit and more violent over time.

Phase I of the research has involved the development and implementation of a coding instrument to codify the pictorial representations in Playboy, Penthouse, and Hustler. We are counting the frequency of the presence of children as they are depicted in sexualized settings, or in other scenarios which would be considered criminal activity either to or by juveniles were they to occur in real life.

We are codifying the type of scene, age, sex, and race of child or children, how the child is physically depicted, and whether the child is sexualized or involved in a violent act. The presence of children in neutral and prosocial scenes is also being counted. We are now computerizing our preliminary data and processing some preliminary results.

Other phase I research either planned or in progress is described in the testimony. Since I know that you will be having some questions, I will just proceed on then.

Recent pornography research revealed that exposure to aggressive pornography can affect peoples' sexual attitudes, behavior, and perhaps nonsexual behavior, as well. The resulting effects can include desensitization toward women and rape victims, and a reduction in the inhibitions against the sexual assault of women.

One and one-half pages of brief literature review follows for your perusal

Let me note one particularly pertinent assessment by someone who has already been discussed here, that is Dr. Ann Burgess of the University of Pennsylvania, one of the foremost researchers in rape and violence to women, and sexual assault of children in the United States of America.

Dr. Burgess testified that children are being coerced and induced into pornography and prostitution through the aid of mainstream erotica pornography, including, Senators, Playboy, Penthouse, and Hustler, which provide legitimizing models for childrens' imitation.

With the exception of Dr. Ann Burgess, the prior research has concentrated essentially on erotic or pornographic depictions of women, especially violent depictions, and these effects on adult males.

From the standpoint of the task of OJJDP, there is a growing body of information from child welfare workers which strongly sug-

gests that child sexual abuse victims all too frequently become juvenile delinquents and/or adult victimizers, including murderers.

We need to study the possible role played by pornography, mainstream pornography, in influencing adults to perceive of children as viable sex targets for incest and other forms of sexual harassment and assault. I have with me a demonstration.

We are concerned with juveniles themselves, as they are increasingly exposed to the same material in stores, movie houses, their homes, and the homes of friends and relatives.

While much recent research analyzed overt aggression in pornography, this project is also concerned with depictions which are by no means overtly violent. Child prostitution and loving incest fall into this category.

I believe that society should be made aware of the content of popular pornography since the material constitutes widespread informal sex education. I believe the information compiled and assessed on our project will be useful to many agencies concerned with victim and offender juvenile behavior.

Our research, Senators, will distill the material into dispassionate and concrete components of information, into charts, graphs, statistical tables and explanatory narrative. Such accessible components of information will provide an analytical forum in which large numbers of concerned persons and policymakers may assess, may critique, may debate erotica/pornography without requiring their significant exposure to the primary sources.

In this manner, this research will establish a body of knowledge, accessible to agencies, to educators, to parents and to juveniles themselves, knowledge potentially usable in sex education as well as other formal and informal bodies of juvenile guidance.

Having developed an objective summary of erotica or pornography content, this data can then be used by OJJDP to provide alternative coping strategies to the public and professionals for dialog with juveniles.

There is an urgent need to examine popularly consumed erotica or pornography for many kinds of depictions, especially those of sexually victimized children. The depictions are there. Precisely how many, and what types of situations are not yet known. Such a quantification and evaluation is part of the task to which our project is dedicated.

Thank you

[The prepared statement of Dr. Reisman follows:]

PREPARED STATEMENT OF JUDITH S. REISMAN

Mr. Chairman, I am here today in response to your request to discuss the subject of my research for the Office of Juvenile Justice and Delinquency Prevention. I thank you for this opportunity to explain why this investigation of mainstream erotica/pornography is important.

First, however, I would like to present a brief history of the events which preceded the awarding of this cooperative agreement from the Office of the Juvenile Justice and Delinquency Prevention.

Background to the Grant

On May 24, 1983, I was contacted by Mr. James Wootton, now Deputy Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Mr. Wootton explained that senior staff members of the OJJDP had heard a radio interview in which I discussed my research findings on Dr. Alfred Kinsey's child sexuality data. Wootton requested a meeting during which we could discuss my study. Shortly after our conversation, I met with Mr. Alfred Regnery, Chief Administrator for OJJDP, Mr. Wootton and Mr. Robert O. Heck, OJJDP Program Specialist. The dialogue on my research led to a series of meetings and discussions with Senator Jeremiah Denton's staff and Linda Narcissian of Senator Grassley's staff who were working on the child pornography legislation, the OJJDP staff, Dr. Ann Burgess, then at Boston City Hospital, and numerous police and FBI investigators who specialize in the area of child sexual abuse.

Part of these meetings and discussions involved the review of my work on Dr. Kinsey and contemporary child sexuality theory as well as two chapters of a book manuscript I had written analyzing the growing sexualization of children in the mass media. Other areas relating to my past research in pornography and child abuse were also discussed.

Subsequent to these discussions, I was invited by OJJDP to submit a research proposal extending my past work. I drafted a grant proposal which was critiqued and revised in consultation with The American University and OJJDP. A proposed budget was also completed with their assistance.

My proposal was for a major, multi-disciplinary research project on pornography, sexual exploitation and abuse, and juvenile delinquency. A cooperative agreement with OJJDP and The American University was awarded in December 1983 and the contract signed by University officials in February 1984. I am pleased to be the first woman to receive a major grant for the investigation of mainstream erotica/pornography. We are now well into Phase I of this project.

Overview of Research Project

Having established our office and hired staff, we have been gathering a collection of mainstream erotica/pornography, focusing on the three magazines with the largest circulation: Playboy, Penthouse, and Hustler. Folio, a market research publication, reports that Playboy and Penthouse rated among the top 13 in total magazine revenue in 1982. Furthermore, Playboy recently entered the cable TV market, and Penhouse is now producing home video cassettes. Moreover, The Washington Post claimed on May 12, 1984, that pornography was a $7 billion-a-year industry.

entered the cable TV market, and Penthouse is now producing home video cassettes. Moreover, The Washington Post claimed on May 12, 1984, that pornography was a $7 billion-a-year industry.

The combination of widescale circulation of erotica/pornography (EP) and the content delivery is what led me to examine the process of desensitization suggested by this material. I was motivated to conduct this particular research due to my special concern for the possible impact of erotica/pornography on society's view of children. Present in its content is a documentable evolution of children portrayed as viable sex targets.

It is my premise that the pattern of exploitation began slowly, first through the least threatening but very effective medium of cartoon art. That is, the cartoon scenario is the common setting in erotica/pornography within which the breaking of sexual taboos first appears. Thus, we have begun our research with an analysis of cartoons in each of the three magazines as mentioned, to be followed by analyses of the articles, fiction, letters to the editor and photographs identifying each taboo theme first depicted in cartoons.

We are using an integrated approach whereby each analysis builds on the data collected in the preceding analysis. Another hypothesis being tested is that these children are portrayed as increasingly sexualized, and that child sex cartoons become more sexually explicit and violent over time.

Overview of Phase I

Phase I of the research has involved the development and implementation of a coding instrument to codify the pictorial representations of children in Playboy, Penthouse, and Hustler. We are counting the frequency of the presence of children as they are depicted in sexualized settings, or in other scenarios which would be considered criminal activity either to or by juveniles were they to occur in real life.

We are codifying the type of scene, age, sex and race of child or children, how the child is physically depicted, and whether the child is sexualized or involved in a violent act. The presence of children in neutral and pro-social scenes is also being counted. We are now computerizing our data and processing the preliminary results.

Other Phase I research either planned or in progress includes:

* Measurement of the reading levels of different text features in Playboy, Penthouse, and Hustler. The purpose is to ascertain whether or not various texts such as letters, advice, and pictorial text are more cognitively accessible to young readers than the writing found in articles and interviews.
* Analysis of pictures for techniques that alter women to appear to resemble juveniles, such as photomontage, which airbrush or graft adult body parts onto juvenile bodies.

- Examination of the market research data for the composition of the Playboy, Penthouse, and Hustler readerships. For instance, we know that in 1975 more than 12 million American children resided in homes where at least one adult was an in-home reader of mainstream erotica/pornography.

Review of Relevant Research

Most of the research asserting that pornography is harmless was produced prior to the mid-1970's. Nonetheless, these early research efforts continue to be cited as contemporary information. In 1979 Time magazine reported that sociologist, Marvin Wolfgang, one of the authors of The Report of the Commission of Obscenity and Pornography (1970), seemed to have changed his mind regarding at least some aspects of pornography, noting, "the weight of the evidence (now) suggests that the portrayal of violence tends to encourage the use of physical aggression among people who are exposed to it." ("Women's War on Porn," Time, August 27, 1979) Studies conducted during the past decade are finding that pornography can be harmful.

The more recent research is finding that exposure to aggressive pornography can affect people's sexual attitudes, their sexual behavior, and perhaps their non-sexual behavior as well. The resulting effect includes a generalized desensitization towards women and rape victims, and a reduction in inhibitions against the sexual assault of women.

Here are a few brief findings from the recent research:

- A lessened sensitivity to rape and rape victims is found among those exposed to explicit filmed rape scenes.[1]
- Male subjects exposed to violent pornography are more inclined to see themselves committing a rape and to accept the notion that women want to be raped.[2]
- Male subjects with the highest levels of exposure to pornography are also more likely to recommend very light sentences for rape.[3]
- When such media portrayals are massively consumed, they undercut the credibility of actual rape victims' testimony.[4]
- In a laboratory setting, filmed depictions of women as responsive sexual victims increase stated male proclivity towards sexual aggression against women.[5]
- Even normal males experience increased arousal when exposed to images of rape, especially when the victim expresses pleasure, a common theme in pornography.[6]
- Exposure to violent pornography can lead male audiences to the belief that rape would be a sexually arousing experience.[7]
- Cross cultural research on the effects of pornography suggests that as the amount of pornography increases in a nation, there is a corresponding increase in the incidence of rape.[8]

- In those states with a) a high level of violence in general, b) either women's struggle for equal rights or their complete repression, and c) a high readership of erotica/pornography, statistics indicate a high incidence of rape, assault and homicide.[9]
- Children are being coerced and induced into pornography and prostitution through the aid of mainstream erotica/pornography, which provide legitimizing models for imitation.[10]
- Ten percent of the women in a San Francisco survey reported being asked to imitate assaultive or repugnant acts following their partners' viewing of pornography.[11]
- In a laboratory setting, male evaluation of their mate's attractiveness was found to increase with pre-exposure to unattractive female images and to decrease after viewing popular erotica/pornography centerfold females.[12]

With the exception of Burgess' review of case studies, the above work has concentrated on pornographic depictions of women, especially violent depictions, and their effects on adult males. My research differs from these others in several significant respects. I would like to point out the differences and explain why I believe my research is important for the well-being of juveniles and society.

The Project's Importance

From the standpoint of the task of OJJDP, it is of importance that there is a growing body of information from child welfare workers which strongly suggests that victims of child sexual abuse all too frequently become juvenile delinquents and adult victimizers. We need to study the possible role played by mainstream erotica/pornography in influencing adults to perceive of children as viable targets for incest and other forms of sexual harassment and assault. The research is also concerned with juveniles as they are increasingly exposed to the same mainstream erotica/pornography in stores, movie houses, and in their own homes as well as the homes of friends and relatives.

While most research has analyzed the effects of overt aggression in pornography, this project is also concerned with depictions which are not overtly violent. Depictions of child prostitution and loving incest fall into this category.

I believe that society should be made aware of the content of popular erotica/pornography because these materials constitute a widespread public source of informal sex education. I believe that the information compiled and assessed in this project will be useful to the many agencies concerned with juvenile behavior, as both victims and offenders.

Our research will distill erotica/pornography into dispassionate and concrete components of information: charts, graphs, statistical tables and explanatory narrative. Such accessible components of information would provide an analytical

forum in which large numbers of concerned persons and policy makers may assess, critique, and debate erotica/pornography content without requiring significant exposure to the primary sources.

In this manner this research will establish a body of knowledge, accessible to agencies, educators, and parents, potentially useful in sex education courses as well as other formal and informal bodies of juvenile guidance. Having developed an objective summary of erotica/pornography content, this data can be used by OJJDP to provide alternate coping strategies to the public and professionals for dialogue with juveniles.

At present, twenty-three national agencies are engaged in the collection of data on children as victims and offenders. However, as noted at a recent conference sponsored by Child Trends Inc., the data on this topic is so fragmented and incomplete that it is of limited use to policy makers. I plan to make my findings available to both public and private agencies in a form usable for objective debate. A continued interchange of ideas and information will be sought.

There is an urgent need to examine popularly consumed erotica/pornography for many kinds of depictions, especially those of sexually victimized children. The depictions are there. Precisely how many and in what types of situations are not yet known. Such a quantification and evaluation is part of the task to which this project is dedicated.

Thank you.

NOTES

1. Malamuth, N., & Check, J. The effects of mass media exposure on acceptance of violence against women: A field experiment. Journal of Research in Personality, in press.

2. Ibid.

3. Zillmann, D., & Bryant, J. "Pornography, Sexual Callousness, and the Trivialization of Rape," Journal of Communications (Autumn, 1982).

4. Zillmann, D., & Bryant, J. Effects of massive exposure to pornography. In N. Malamuth & E. Donnerstein (eds.), Pornography and sexual aggression. New York: Academic Press, in press.

5. Donnerstein, E. Aggressive erotica and violence against women. Journal of Personality and Social Psychology, 1980, 39, 269-277.

6. Malamuth, N., & Donnerstein, E. The effects of aggressive erotic stimuli. In L. Berkowitz (ed.), Advances in experimental social psychology (vol. 15), New York: Academic Press.

7. Ibid.

8. Court, J. "Contemporary Pornography as a Contribution to Sexual Offences Against Women," Paper delivered for Symposium of the International Interdisciplinary Congress on Women, Haifa, December 1981.

9. Baron, L., & Strauss, M. "Sexual Stratification, Pornography, and Rape in the United States," Paper presented at the American Society of Criminology Annual Meeting, Denver, November 11, 1983.

10. Burgess, A.W. University of Pennsylvania, School of Nursing. Paper delivered for the Symposium on Media Violence and Pornography, Toronto, February 1984.

11. Russell, D. "Pornography and Violence: What does New Research Say?" In L. Lederer (ed.) Take Back the Night: Women on Pornography, 1980, New York: Bantam Books. Research not published.

12. Weaver, J., Masland, J., & Zillman, D. "Effect of Erotica on Young Men's Aesthetic Perception of their Female Sexual Partners," Perceptual and Motor Skill, in press.

Senator SPECTER. Dr. Reisman, have you come to any preliminary conclusions, as to this moment, on that subject?

Dr. REISMAN. We certainly have, sir, there appear to be some things.

Senator SPECTER. Well, I am very much interested in the substantive matters which you have described that are beyond the scope of this hearing, but I think they are very important.

We had a hearing, this subcommittee did, on child molestation, and I made a comment, a speculation, a hunch, that the pornographic picture might have a causal connection. I remember very well handling prosecution in 1959, 25 years ago, and the literature was unbelievable in its difference then and now. When I was district attorney we did not have the kinds of child molestation cases that are present today, and it may be that the people did not come forward, but I have a strong feeling that although there were many things that the district attorney could not prove that went on in Philadelphia, our office knew a great deal about what was going on, and that the issue of molestation is very different today than it was 15 years ago when I was a prosecutor.

In searching for all of the possible causes of molestation, I have a strong instinct that pornography may well provide the causal link; it is a topic which certainly ought to be explored. So I am very much interested in what you are doing.

But let me come to a couple of questions which the committee is interested in from a point of view, a procedural point of view, without raising any issue as to the quality of the work that you have done, and the question as to competition. Are there others in the United States of America who are as competent as you, who might have been called upon to bid competitively for this kind of a study?

That may be an unfair question to ask a lady, but——

Dr. REISMAN. In fact, it is not at all unfair, Senator. It is quite on target.

Senator SPECTER. Fine. What is the answer?

Dr. REISMAN. The answer to that, Senator, would be that if I did as was suggested here earlier, and if in fact my theories and my research, which I have worked on for the past 10 years, had been simply turned over to OJJDP and put out for competitive bid, then there might be some people out there who could come back with some sort of approach, based upon my theories.

However, Senators, theories and ideas are a scholar's stock in trade. And for me to turn over the body of knowledge that I have developed for the past 10 years to individuals who are studying in the field, who themselves did not propose the material, based upon the fact that they had not thought of the ideas, would have been absolutely bizarre.

No, the answer to that, then, Senator, is there is no one in the field at all, not at all, today, that touches even vaguely upon the areas of inquiry which I have addressed. No one. And I challenge you to find anyone. There just are not. I hope there will be, by the way, in the next few years.

Senator SPECTER. And, moving to the second issue, what was the peer review, if you know, which was undertaken by the Office of Juvenile Justice and Delinquency Prevention, to corroborate their own views as to the merit of your proposal?

Dr. REISMAN. If I may answer that, Senator, Mr. Heck mentioned that Dr. Burgess was contacted with my grant proposal. Dr. Burgess told me, after we—I came on board, that she had reviewed my grant proposal. I did not know that prior. And if you will permit me, if it is acceptable in this forum, I would like to read a statement by Dr. Burgess, in a letter that was sent, regarding my research, since my credibility, based upon the APA article and various other comments, has been called into question, and since that is a very serious challenge.

Senator SPECTER. You may read it.

Dr. REISMAN. Thank you, sir.

"Dear Judith:"—I will not read the whole thing, but I will give it to you, you know, for copying. This was to acknowledge my contribution, my scholarly contribution, "Mass Media Sex/Violence and Women and Children's Civil Rights: An Eye Toward the Future" for the reference volume "Rape and Sexual Assault: A Research Handbook" to be published by Garland in winter 1984:

> Your review of the literature is comprehensive and will be of great assistance to researchers and scholars interested in the subject area. I believe we are fortunate to have your chapter since the literature continues to remain silent on this topic.

I will slip down to where she discusses having heard me, and so on and so on and so on.

Conclusion:

> Both your prior research and current plans are making a major contribution to the field of communications and education. Your conceptualization of the pathways leading to media violence and perception shows the careful and objective review of data heretofore never challenged. I believe one of your strengths lies in your skill in eliciting every possible bit of data for examination in an unbiased and scientific manner. It will be exciting to work from different perspectives on this serious social problem.

I would be more than happy to have anyone Xerox that for your use.

[The following was received for the record:]

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January 27, 1984

Judith Reisman, Ph.D.
School of Education
The American University
4400 Massachusetts Ave.
Washington, D.C. 20016

Dear Judith:

This letter is to acknowledge your scholarly contribution entitled, "Mass Media Sex/Violence and Women and Children's Civil Rights: An Eye Toward the Future" for the reference volume Rape and Sexual Assault: A Research Handbook to be published by Garland in winter 1984. Your review of the literature is comprehensive and will be of great assistance to researchers and scholars interested in the subject area. I believe we are fortunate to have your chapter since the literature continues to remain silent on this topic.

I was impressed with your contributions at the recent National Symposium on Sexual Assault hosted by the FBI Academy. As you know, it was a highly selective group invited to attend and I think it was significant that the social problem of pornography and its viscissitudes was so strongly addressed. I certainly look forward to your presentations at the Symposium on Media Violence and Pornography sponsored by the Ontario Institute for Studies in Education on February 5th and the University of North Carolina program on The National Missing/Abducted Children and Serial Murder Tracking and Prevention Program on February 22nd.

Both your prior research and current plans are making a major contribution to the field of communications and education. Your conceptualization of the pathways leading to media violence and perception shows the careful and objective review of data heretofore never challenged. I believe one of your strengths lies in your skill in eliciting every possible bit of data for examination in an unbiased and scientific manner. It will be exciting to work from different perspectives on this serious social problem.

I look forward to our next presentation and keep me informed of your progress on your research project.

Sincerely,

Ann Wolbert Burgess, D.N.Sc.
van Ameringen Professor of Psychiatric
Mental Health Nursing

Senator SPECTER. Ms. Reisman, I am advised that the original amount of your grant proposal was approximately $60,000, is that correct?

Dr. REISMAN. The original amount of the grant proposal was $60,000?

Senator SPECTER. Yes, $60,000.

Dr. REISMAN. I have no idea. That is a bit long ago. What was that? What are you talking about?

Senator METZENBAUM. Mr. Chairman, I think if I may help her by this.

It is my understanding that Pam Swain indicated, at an earlier point, that this research could be done for, I think $40,000, and then changed it to $60,000. Am I correct in reciting the background, Ms. Swain?

Ms. SWAIN. Yes, sir.

Senator SPECTER. Was there an original figure put on your grant?

Dr. REISMAN. No, that is absolutely not correct, not so. No. I was——

Senator SPECTER. Ms. Swain, had you put an original figure on of $40,000?

Ms. SWAIN. In my original review of the grant application, I estimated that it would cost $40,000 to $50,000 for the cost this year.

Senator SPECTER. Were you unaware of that, Dr. Reisman?

Dr. REISMAN. Oh, no, I was unaware of it, until the newspapers told me.

Senator SPECTER. Was there any validity, as you see it, for an estimate that the proposal should cost in the $40,000 to $60,000 range?

Dr. REISMAN. Oh, absolutely.

Senator SPECTER. You do not agree with that?

Dr. REISMAN. No, I agree, based on what Ms. Swain thought we were doing. Based upon what Ms. Swain thought we were doing, that would be an accurate statement.

Senator SPECTER. Well, explain to us then how the award moved up to the $800,000 range.

Dr. REISMAN. Let me clarify then.

As far as I know, I have discussed with Ms. Swain how this discrepancy took place. Apparently there was a misunderstanding as to what we were doing, and the idea was that we were doing a simple research review. If we were simply reviewing the existing research, then it makes some sense, I do not know the dollars and cents of it, she would know that better than I do. It would make some sense to say that $40,000, $60,000 would be fair to call in all the records from Donnerstein, and all the other people in the field, review them, and come up with a conclusion.

Senator SPECTER. You were going to do something different?

Dr. REISMAN. Absolutely. Surely.

Senator SPECTER. Was your project to account for the difference between $60,000 and $800,000?

Dr. REISMAN. Well, Senator, the project is, or was, and though we are in phase I, it has changed slightly. The project as envisioned, was, as I said, a multidisciplinary concept. and I am not trying to use buzz words, but I mean that. Any serious knowledge of pornog-

raphy will suggest to you very strongly that in order to get a handle on what pornography actually is, how it works, how it functions, and what it is doing in a given society, requires the combined effort, and the combined knowledge of people from every possible field.

Senator SPECTER. Dr. Reisman, to the extent that you can, tell us what you were going to do for $800,000, differently than what had been suggested for $60,000.

Dr. REISMAN. We were going to do a series of things. First, we were going to do the literature review that was discussed by Ms. Swain.

Senator SPECTER. We are up to $60,000 now?

Dr. REISMAN. I would assume that that is accurate. That is one thing we were going to do.

The second thing we were going to do is what we are doing right now, which is intensive content analysis of the given media, so that we can understand how it works. However, we also entertained the idea of doing much more of the kinds of media attack than we are corrently doing.

We are restricting ourselves to just the three magazines at this point.

Senator SPECTER. What do you mean by media attack? You said media attack. You did not say media attack?

Dr. REISMAN. I am sorry. Do you want to play back that whole sentence?

Senator SPECTER. No, you play it back. Start again.

What were you going to do besides the analysis?

Dr. REISMAN. We had planned a larger—when I say media attack, I am not attacking the media. We are attacking the problem of media, for example, gathering together a large body of documents, and dissecting them, if you will.

Senator SPECTER. OK. You are going to pull together all the things that the media may be doing on the issue of pornography, as it relates to children?

Dr. REISMAN. Yes; definitely.

Senator SPECTER. What else?

Dr. REISMAN. And that, of course, is a little bit different than what we are doing right now, and it is a much larger endeavor.

Senator SPECTER. What else?

Dr. REISMAN. The major portion of the effort, the major cost that would have been involved would have been the third part, which would be to contact the kinds of top flight experts across the country, in their own specific fields, who have not concerned themselves with pornography, per se, but who have the expertise to deal with pornography as a component of their knowledge.

Senator SPECTER. Give me an illustration of such an expert.

Dr. REISMAN. All right. Paul MacLean, I think that is how his name is spelled, or Jerry Levy.

Senator SPECTER. What would he do?

Dr. REISMAN. These are people who would review the literature that we would present to them as examples of material, and tell us——

Senator SPECTER. Is he a psychologist or psychiatrist?

Dr. REISMAN. No, he is a neurologist, a specialist in neurology. Let me prepare for that.

All right, we will talk a bit something like that. We would present—or let us deal with child development. We will go there first.

Getting a top notch child development specialist in the country, we would present to someone like this the body of data that describe the imageries that an average child would be seeing, or any group of children. We would present them with the materials, and we would ask them, we would present them with the materials and we would ask them, based upon their background of experience, and their years in the field, the way in which they feel this particular kind of information would affect certain kinds of children, under a given set of circumstances.

Now, that kind of data would be processed back to us, in terms of a report, a response. We would then proceed to distribute to these individuals—and it was an overlapping activity, we would proceed to distribute to these individuals the results of the content analysis that we would be engaged in, we would be processing back and forth that kind of data.

Senator SPECTER. Dr. Reisman, let me move to another subject, because our time is growing so short.

What does the following passage mean, from your grant proposal, "split brain research in recent developments in the tracing of sub cortical spiking as indicative of violent behavior, have been leading us into the possibility of the physiological—to determine responses in the human organism to supernormal environmental stimulus"——

Dr. REISMAN. Could you please repeat it, instead of that way——

Senator SPECTER. Excuse me?

Dr. REISMAN. Would you mind repeating it, so that I could hear the words a little clearly?

Senator SPECTER. Well, let me hand it to you.

Dr. REISMAN. Fine, thank you.

[Document handed to Dr. Reisman.]

Senator SPECTER. And the purpose of the question, to put it on top of the table foursquare, is a concern about studies which deal with changing human behavior. If this is directed in that line.

Dr. REISMAN. Absolutely not. That is utterly and completely ridiculous.

What is proposed by this statement is—let me read it to you.

Senator SPECTER. No, you just tell me what it means. I just read it to you.

Dr. REISMAN. OK. Well, what we would be interested in doing is talking to individuals who are experts in split brain research.

Split brain research is becoming a field that has more and more knowledge to give back to society, and when I say knowledge, I do not mean the idea of experimenting with peoples' behavior, and attempt to train people.

Split brain research can tell us a great deal about the way pictorial information is processed. Senator, pictorial information is by no means processed in the same way as text. It is processed differently. The whole concept of a picture is worth 1,000 words is contained in this statement. If pictures are not processed in the same

way that the text is processed, then what does that mean in terms of the way we are able cognitively to deal with pictorial information? That is extremely crucial to any analysis of pornography, particularly as it pertains to children.

Do you follow me?

Senator SPECTER. No, but I will ask the next question.

But you have to understand, Dr. Reisman, I am not under oath.

All right, I understand enough to satisfy the purpose of the question.

Is there any relationship between your project, Dr. Reisman, and Dr. Burgess study at the University of Pennsylvania?

Dr. REISMAN. Yes, there is.

We are working to some degree rather closely together. I maintain contact with Dr. Burgess. I am very interested in the kind of progress she is making, and she is interested in the kinds of progress that I am making. Beyond that, in terms of linkage activities, no.

Senator SPECTER. Dr. Reisman, we have some more questions, which we will probably submit to you in writing, and I may want to discuss some of these matters with you personally.

Dr. REISMAN. I would be delighted.

Senator SPECTER. And we would like a copy of the letter from Dr. Burgess for the record.

Dr. REISMAN. I would also be happy to give you a copy.

One other thing, may I?

The question has been raised as to other people in the field, and we had a few jokes about Mrs., and about Dr., and so forth. Senators, I have here a list of the prominent people in the field of erotica and aggression. I would be more than happy to submit it to you. It is from a reputable researcher foundation I have great respect for.

Out of the 60 citations in this list, Senators, there are only two females cited. Two females in the research area of pornography and aggression stated in the work that has been done on the whole issue of pornography in the United States of America. I submit to you, Senators, that one of those names is the name of Laura Ledera, the editor of "Take Back the Night." Lederer is the only female cited in a good number of these citations, and in that book, Senators, I am one of the contributing writers.

I would be more than happy to submit that, and Ms. Lederer's statement regarding my expertise in this field.

Senator SPECTER. Dr. Reisman, we will accept that.

[Never received for the record.]

Senator SPECTER. Senator Metzenbaum.

Senator METZENBAUM. Dr. Reisman, I know nothing about the subject in which you are involved, but the whole thrust of this inquiry has to do with the manner and method of making grants at the Office of Juvenile Justice and Delinquency Prevention, and so when we find that your grant is about $800,000, it is only understandable that we inquire into why and how the grant was made.

And so, in looking over your vitae, I notice that you began graduate study in 1975 at a preeminent institution, located in my own community, Case Western in Cleveland.

Dr. REISMAN. That is correct.

Senator METZENBAUM. Did you have an undergraduate degree?

Dr. REISMAN. No, Senator. May I explain that?

Senator METZENBAUM. Certainly.

Dr. REISMAN. I feel that I was honored by Case Western, Senator, that my expertise in the field of mass media communications was recognized by them as life experience, that I was put on probation to maintain an A level standing through my graduate studies, as a returning student who had been the mother of four, and yes, Senator, that I maintained that average, and that I continued on, and did my Ph.D. at CWUR in communications.

Senator METZENBAUM. How was that waiver made possible? Was there a committee, or somebody who passed upon that question?

Dr. REISMAN. I am afraid, Senator, that I am not privy any more to the activities of Case Western Reserve officials than I was privy to OJJDP officials. It was presented to the department, the department apparently presented it to the then dean, Dr. Taaffe. I was interviewed by Dr. Taaffe; my materials were apparently looked over. I have no idea, and it was then waived.

Senator METZENBAUM. Could you tell us, Ms. Reisman, about your professional experience?

Dr. REISMAN. Yes; I spent quite a few years working in various capacities. I have worked at—in mass media. I think that is one of the things I bring to this study.

Senator METZENBAUM. Tell me what you mean, you worked in mass media.

Dr. REISMAN. I worked for public television in Milwaukee, on a children's program.

Senator METZENBAUM. Which one?

Dr. REISMAN. "Childrens Fair." An award-winning program, I am told, which was also produced in conjunction with the Milwaukee Public Museum. I worked for the Milwaukee Public Museum, in public television, during that same period of time, working on a program called "Strange but True," and producing for them music, songs, segments that were used to define the zoological and archeological materials and other kinds of exhibitions that existed at the museum at that given time, Senator.

Senator METZENBAUM. Were you a songwriter for the Captain Kangaroo Show?

Dr. REISMAN. I wrote songs, and produced segments. I am not ashamed of that.

Senator METZENBAUM. I am not here to cause you any shame, or anything of the kind.

Dr. REISMAN. Yes, I certainly did.

Senator METZENBAUM. For how long a period?

Dr. REISMAN. For approximately 2 years

Senator METZENBAUM. Now, you completed your doctorate at Case Western Reserve in December of 1979?

Dr. REISMAN. No, I was corrected on that. Someone caught it. It was January of 1980.

Senator METZENBAUM. OK. That is less than 5 years ago?

Dr. REISMAN. That is correct, Senator.

Senator METZENBAUM. And the doctorate was in what field?

Dr. REISMAN. In communications, speech communications, sir, with a minor in systems analysis.

Senator METZENBAUM. In what field was your dissertation?

Dr. REISMAN. Am I permitted to answer that fully?

Senator METZENBAUM. No, it just takes a simple answer.

Dr. REISMAN. I am afraid, Senator, it is not a simple answer.

Senator SPECTER. The answer is yes, you are permitted to answer it fully.

Dr. REISMAN. Thank you.

All of my graduate work was in the field of pornography, mass media effects. My studies were on Playboy and Penthouse. My research, my content analyses, my work in marketing research was all in this area. At the last minute, because my research program director, my Ph.D. director became ill, a new thesis director took over, and I was told that pornography was not a course of serious study.

I was, if you will pardon the expression, Senators—well, how do we do this nicely—at the last minute my—all of my work was switched. I was not permitted to do a Ph.D. thesis in the subject I had been working on all those years, and I was told that I had to do it on something else.

I chose the only thing that seemed to make people happy, and that is what was going on in 45 BC, which was Aristotle.

Senator METZENBAUM. Let me get something clear.

Is it my understanding that—what was the name of your thesis?

Dr. REISMAN. An Aristotelean approach, something like that, to the rhetoric of—you have it there, Senator. Would you kindly read it for the record?

Senator METZENBAUM. You do not remember the name of your thesis?

Dr. REISMAN. Something about Aristotelean theory. Symptoms and analytical approach.

Good heavens, I do not remember. It is a nice, big long academic title, and you do have it, I think.

Senator METZENBAUM. Was this really a study having to do with a prominent TV commentator?

Dr. REISMAN. It certainly was. Dorothy Fuldheim.

Senator METZENBAUM. Was this really a study of a prominent TV commentator by the name of Dorthy Fuldheim located in Cleveland?

Dr. REISMAN. She was the rhetorician who I was examining.

Senator METZENBAUM. And that fit in with the application of Aristotelean theory to mass media effects that wound up being a study of Dorothy Fuldheim?

Dr. REISMAN. It did not wind up. CWRU decided that that was appropriate. Another thesis that was done just before that was on the analysis of the rhetoric of Rabbi Hillel Silver, for the same purpose, and it was an Aristotelean analysis of Rabbi Silver. That is an appropriate study.

I would have prefered to do my thesis, Senator, on pornography. I was not permitted.

Senator METZENBAUM. Then you did some work at Haifa University?

Dr. REISMAN. Yes.

Senator METZENBAUM. Tell us about that.

Dr. REISMAN. The work that I did at Haifa?

Senator METZENBAUM. Yes.

Dr. REISMAN. I was involved in several research projects at Haifa. One was on the values of Israeli mass media, as opposed to public values. We were involved there in a content analysis, multidisciplinary—well, cross cultural analysis of visual materials in mass media magazines in Israel, and we were using a scale of 13 variables that were produced by the Harris poll on quality of life variables, from family life to love, sex, and so forth, to assess the relationship and the compartmentalization between quality of life as expressed by mass media imagery, and quality of life as expressed by Israeli sentiment and public documents.

Senator METZENBAUM. You stated in your vitae, I think, in connection with your application for the grant, that you had been appointed as an associate professor at the University of Haifa, is that correct?

Dr. REISMAN. Yes. I have a letter that deals with that, Senator.

Senator METZENBAUM. Do you have it with you?

Dr. REISMAN. Yes, sir.

Senator METZENBAUM. Can I have it?

You also have with you the press release from Haifa University?

Dr. REISMAN. No, I do not have that. Have you seen it?

Senator METZENBAUM. No, I would like to.

Dr. REISMAN. I would be more than happy to give it to you.

Senator METZENBAUM. Please do.

Dr. REISMAN. I should have a copy of that myself, when you look at it, because you will have some questions.

Senator METZENBAUM. Could you make one available? We will just take a copy and keep it ourselves.

Dr. REISMAN. I am afraid it has yellow for your interest, and it will Xerox black.

Senator METZENBAUM. Well, I will read it:

Following our telephone conversation, I would like to certify the following information concerning your position at the University of Haifa, Israel.

"One, after carefully studying your CV and your publication, I recommended you to the Department of Sociology and Anthropology at the University.

Two, being a new immigrant, you were appointed as a lecturer without teaching obligations because of the problems of language barrier.

Three, during the two years you have been working with my sponsorship, you were not on a tenured track because of your status of immigrant, and because of your insufficient knowledge of the Hebrew language.

Four, your research activity, and your publications earned considerable reputation Nationwide and internationally.

Five, as a result of this, you were offered a tenured track position at the School of Education of the University as a future head of the Subdepartment of Communication and Education.

Were you to stay in Israel, you certainly would have been promoted to the rank of Senior Lecturer. But that automatically carries [it is a handwritten note] their tenure in Israel's University.

Then it goes on:

Israeli universities have a stricter rank system than American ones. They are modeled according to the British system. Even this stricter system, with the additional severe budget cut, et cetera.

But let me point out, this is not from the University of Haifa.

Dr. REISMAN. No, that is from the head——

Senator METZENBAUM. This comes from the University of California of Los Angeles.

Dr. REISMAN. Yes, from Dr. Joseph Stephen, who was the head of the research facility at Haifa University, who was responsible for the hiring, and that is—that confirms the position.

Senator METZENBAUM. Well, that is not indicated here.

We spoke with——

Dr. REISMAN. Well, you can check with that. That is no problem.

Senator METZENBAUM. Ms. Reisman, we have, and the director general's office at Haifa advises us that you were never an associate professor, they say you worked as a research fellow from October 1 to September 30, 1983, that the university did not directly pay you, that your job was financed by the minister of absorption, that situations such as this generally range from those persons who state a strong intention to stay in Israel, and to seek citizenship, the director general's office also states that the university does not have a department of communications, nor does it intend to have one, and that Ms. Reisman stated in her vitae that her assignment in the Department of Education was to prepare a new curriculum for the new Department of Communication, which she would then serve as Department head, and they will confirm that advice to us over the telephone, with a letter which we anticipate reading very shortly, and when we do, Mr. Chairman, I ask unanimous consent that it may be included in the record.

Senator SPECTER. Whatever letter is received, may be included in the record.

[Letter never received for the record.]

Dr. REISMAN. Whatever letter is received, I would like very much to get a copy of it, because that is absolutely incorrect and untrue, and Dr. Joseph Stephen was certainly the person who was in charge of that entire activity.

And, No. 2, there is nothing in that letter that says that there was a Department of Communication. What it says was that the Department of Communication was within the School of Education.

Dr. Cohen——

Senator METZENBAUM. Let me just ask Dr. Berendzen, because of time——

Dr. REISMAN. Was the individual in charge of that, by the way, and that is absolutely incorrect.

Senator METZENBAUM. We have to move along, because there is a rollcall vote.

I will ask Dr. Berendzen——

Senator SPECTER. Wait a minute.

Dr. Reisman, you will have a chance to see the letter, and reply to it fully.

Dr. REISMAN. Yes. I would certainly like that.

Senator METZENBAUM. Did you check with the University of Haifa concerning Ms. Reisman?

Dr. BERENDZEN. I personally certainly did not. The University appointment process—whereby a person comes in as a researcher or faculty member—is handled by others. I do believe someone at the university, at American University, did in fact contact Haifa. I do not know for sure what they found.

Senator METZENBAUM. Dr. Turaj, you are at American University. Did you check with the University of Haifa concerning Ms. Reisman.

Dr. TURAJ. I did not, personally, but I received communication from—a written communication from Mr. Robert Norris, that checks of credentials have been made, and I have also received——

Senator METZENBAUM. Who is Mr. Norris?

Dr. TURAJ. He is a vice provost for university programs, he works in the office of the provost.

Senator METZENBAUM. And did he indicate that he had checked with the University of Haifa?

Dr. TURAJ. Specifically, I do not know that he had checked with the University of Haifa, but that he had checked that she held all the positions that she said she had held, and that the degrees were as represented.

Senator METZENBAUM. Do you have a copy of that letter with you?

Dr. TURAJ. I do not, sir.

Senator SPECTER. Dr. Berendzen and Dr. Turaj you will be permitted to testify later.

Senator Metzenbaum wants to get on at this moment, because we are going to have to break in a few moments for a rollcall vote, but I just want you to know that you will have a chance to testify in the regular course.

Senator METZENBAUM. In the House hearing, Mr. Regnery testified that you had contacted the Office of Juvenile Justice about the grant. He also said that earlier today, as well.

But in a supplementary vitae that you provided with the grant application, there seems to be a different story. Let me read you what you wrote:

> A brief summary of events, May 28 to June 28th, 1983. The attached Haifa University publicity release regarding my Kinsey research results led to a series of unanticipated events, including an invitation to immediately return to the United States in order to: one, present a review of my Kinsey documentation on Patrick Buchanan's radio and television programs in Washington; two, to give an interview to a Time Magazine correspondent on the same issue; three, pursue a book publisher for the Kinsey research data.

First, Ms. Reisman, would you tell the committee what the Haifa University publicity release concerned, how was it disseminated? Who prepared it, when released, and when did you return to the United States?

Dr. REISMAN. Well, unless Haifa University decides to say that it did not happen——

Senator METZENBAUM. Pardon?

Dr. REISMAN. I said, unless Haifa University decides to say that it did not happen, I will be more than happy to turn that over to you. That was done by the publicity director at Haifa University, who inquired of me, since I had a great deal of publication in Israel, inquired of me regarding the kind of research that I was engaged in at the time.

I met with him. He wrote and said that he wished to write an article about the research that I had been doing on Dr. Kinsey. He did so. He disseminated it, and unless they have any kind of contradiction on that, that is the way that it stands.

Senator METZENBAUM. Who contacted you in regard to the Braden-Buchanan show?

Dr. REISMAN. In regard to—you mean who called me about the Braden-Buchanan show? Patrick Bucahanan had called me in Israel, to ask me if I stood by the material that he had received from another individual, who had hand carried it, a Dr. John Court, who happens to be a very well respected man in the area of pornography research.

Dr. John Court had carried my material to the United States, to Dr. Gordon Muir, in New Jersey, Dr. Gordon Muir in New Jersey had sent it, without my request, without my knowledge, to Mr. Buchanan, Mr. Buchanan had read it, and he called me in Israel, and asked me about it

Did I stand by it? I said yes; I did.

Senator METZENBAUM. Who contacted you from Time magazine?

Dr. REISMAN. I do not remember his name, Senator.

Senator METZENBAUM. Did they publish anything?

Dr. REISMAN. No; they did not, but it is in the record, you can call them. John Leo——

Senator METZENBAUM. They have no record of it.

Dr. REISMAN. Of what?

Senator METZENBAUM. Of having called you, or ever hearing of you. But that is not to say——

Dr. REISMAN. Well, then they sent a phony fellow down to take my picture, that is all I can say.

Senator METZENBAUM. It is a big institution, and I do not want to say that they did not, but where was the picture taken?

Dr. REISMAN. In my apartment, in Herzliyya, at the time.

Senator METZENBAUM. In Israel?

Dr. REISMAN. Yes. John Leo was the editor, now, you know, with all the things that are happening around here, maybe he does not remember either.

Senator METZENBAUM. Who made the first contact with you from the Office of Juvenile Justice? Can you recall the approximate date?

Dr. REISMAN. Mr. Wootton did. The date is in my testimony. If you want to wait, and I will look for it, fine. Otherwise, it was the day after my Buchanan interview.

Senator METZENBAUM. Did you pay your own expenses to come to Washington from Haifa, to do those interviews?

Dr. REISMAN. I was lent the money, Senator.

Senator METZENBAUM. I did not ask you that. I asked if you paid your own way.

Dr. REISMAN. I was lent the money. Then I paid it back, yes.

Senator METZENBAUM. Not the Buchanan show?

Dr. REISMAN. No; from Dr. Murim.

Senator METZENBAUM. Ms. Reisman, I would like to go through some dates with you and get some comments.

Your appearance on the Buchanan show was May 23 of last year. By the end of June you were being recommended by American University for appointment as a research professor in the School of Education.

How did you come to approach American University? Why did you approach that university?

Dr. REISMAN. Rather simple, sir. After my dealings with OJJDP, and their interest in my work, which I was very gratified to see—

Jack Martin, who had indicated he wished to publish the book that I was working on, on Kinsey, said that he was—I thought that he said he was an alumnus, perhaps not, but he was affiliated with American University. I wanted to be in the neighborhood because my family is here, and I wanted to relocate here.

I had heard about Dr. Myra Sadker, I knew something of her work. She was at American University.

Senator METZENBAUM. How did Jack Martin know about you? He is from Texas?

Dr. REISMAN. He was a friend of Dr. Muir's.

Senator METZENBAUM. And who is he?

Dr. REISMAN. Dr. Muir is the gentleman who lent me the money to come over here.

Senator METZENBAUM. Now, you have not done your program until May 23, but on May 13 Jack Martin, who lives in Dallas, and publishes Texas Business, he calls Dr. Berendzen, and he indicates at that time, as I understand it, that the Justice Department was interested in your forthcoming research on possible linkages between pornography and child abuse.

Now, you have not yet done your program——

Dr. REISMAN. No, Senator; I do not mean to be offensive, but something is wrong there somewhere, and it is not with me.

Senator METZENBAUM. Tell it to Dr. Berendzen, because I am reading his material.

Dr. REISMAN. Well, I cannot answer that, sir.

Senator METZENBAUM. I am reading directly from—Dr. Berendzen, do you stand by the materials that I just read?

Dr. REISMAN. When was the radio program?

Dr. BERENDZEN. According to my phone transcripts, Mr. Martin called me on May 13, 1983. I do not have the transcript, or the notes of what our conversation was. But he does not call me often.

My recollection is that that is the date when he mentioned Dr. Reisman to me for the first time. He did talk to me at a later date, I believe it was in early June of 1983, and it is possible that I have the two dates wrong in my memory. I do not keep a detailed log of what our conversations were about; but, in any case, on May 13, 1983, Mr. Martin and I did talk.

Senator METZENBAUM. And he did indicate at that time that the Justice Department probably would award a grant to support her next study, and that after you read it and received a draft, you indicated you did not find the draft version to be convincing, and then on June 7, Mr. Wootton, of the Justice Department, called you, and he said that the Department was—the Justice Department was interested in Dr. Reisman's work, and that it would support her next stage of work, and then there seemed to be some problems, and I am skipping some of your letter, but on January 18, 1984, Mr. Bruce Chapman called you, and he says he is the Director of Planning and Evaluation at the White House, and is urging that—he says, began by asking if you are aware that Dr. Reisman might become affiliated with American University, and that the Justice Department was interested in her research.

And he said that he was calling because the White House was concerned about child abuse, and did he also tell you how he happened to know that he should call you?

Dr. BERENDZEN. No. Almost the entirety of the conversation is what I have in my statement

Senator METZENBAUM. Did he, at some point, indicate that Mr. Regnery had called him at the White House, or asked him to call you?

Dr. BERENDZEN. No, I do not recall any comment of that sort.

With respect to these dates, I want to be quite clear that I am going back to my phone log, and I have two entries for phone calls from Mr. Martin one was on the 13 of May 1983; in fact, he called at 2:15 in the afternoon.

The other was on June 2, 1983, at 9:45 in the morning. That degree of precision is there, but the exact content of those conversations I do not know. I am trying to fill it in from memory.

Senator SPECTER. We have a vote now.

Senator Metzenbaum had to attend to another matter of his official duties, and we have a vote in process. So we will adjourn now, and we will be back. It takes a few minutes. It will probably be about 1:15 or 1:20.

[Short recess.]

Senator SPECTER. We will reconvene the hearings at this point.

We had hoped to be able to conclude with this panel prior to the time of the vote, but that was not possible to accomplish because there were a number of questions.

I would like to return at this juncture to our regular process, and ask Dr.—how do you pronounce it, Berendzen?

Dr. BERENDZEN. Berendzen.

Senator SPECTER. For you to proceed, Dr. Berendzen, with an opening statement, as you choose, and we can then come back to Senator Metzenbaum's questions in due course.

TESTIMONY OF DR. RICHARD EARL BERENDZEN

Dr. BERENDZEN. All right, fine.

I am Richard Berendzen. I am president of American University. I am pleased to be here today.

As I indicated in my written statement, Mr. Jack Martin called me. Mr. Martin is an Englishman who now lives in Dallas, and publishes Texas Business magazine. I had been introduced to him about 2 years or so earlier than this, by a mutual friend of ours, Abelardo Valdez, a former Texan, who was U.S. Chief of Protocol under President Carter. He is now an attorney in Washington, DC, and he is a trustee at the American University.

As far as what exactly transpired in that telephone conversation of May 13, I am going to go by memory. I do know that he called me that date, and I called a couple of weeks later. He had not called me for many weeks prior to this, according to my records.

I believe that that was the phone conversation in which he explained to me that he publishes not only his magazine, but also books, which I had not known prior to that time. He told me—either in the May 13 conversation, or conceivably the one in early June, but I think it was the May 13 one—that he planned to publish a manuscript by a Dr. Judith Reisman. This was the first time I heard her name.

Her research, he explained, dealt with human sexuality. He said that she wanted to find an academic base in the Washington, DC area because she now lives nearby. Before she talked with one of the other Washington area universities, however, he suggested that she perhaps talk with the American University, because he had met me, and he had some familiarity with the institution, although I am not certain that he had ever been on our campus.

He is not an alumnus, as was mentioned earlier. He asked if she might become affiliated in some way with the American University. I told him that faculty matters were within the province of the provost, who is the No. 2 person in the university. But from my knowledge of the situation, I doubted that there would be a tenure track faculty position available at this time.

The American University, like many other institutions today, is concerned about the number of tenured slots that it has, and is attempting to reduce them. I point this out, because it is quite germane.

The appointment of a tenure track person commits the institution to probably more than a $1 million in salary the professor's proposed lifetime. It is a very serious, long term—in fact, lifetime—professional commitment by the institution. The review process for hiring a person for that kind of position is different from that of a research appointment. The American University, like many other institutions, has research faculty in contrast with permanent, tenured professors. They come to the institution for a limited period of time, specifically to conduct research.

At the present time, at the university, there are approximately 30 individuals, some of whom, indeed, came to the university with grants. That is an unusual procedure, but it is not unique.

Mr. Martin told me that the Justice Department was interested in Dr. Reisman's forthcoming research and possible linkages between pornography and child abuse and that the Justice Department probably would award her a grant to support that next study.

To give me an idea about the kind of work that she had been doing, he offered to send a draft of her book, which he did. I read it and called him back. I think that was the conversation on the 2d of June, but I could have the date confused with the other one, as I have already indicated. I told him I was unqualified to make a professional judgment about it. I am not a specialist in that area. But a few general points struck me, nonetheless.

The manuscript unquestionably was potentially controversial and possibly provocative. If her assertions were valid, then the work would be quite significant. But I personally, as a layman in the field, in a quick reading of it, did not find the draft at least to be convincing. I thought that Dr. Reisman would benefit from having collegial interaction, perhaps in particular about methodology. Mr. Martin, however, assured me that, even though her work was polemical, authorities in the field supported it. He cited several of them. I do not recall their names, but he did mention that there was a man in Princeton, NJ, who would be calling me about it; and he did. I did not remember his name. I attempted to call Mr. Martin to find out the name, but Mr. Martin is in Europe until the middle of August. But his name, I gather, has already come up earlier today. It is Dr. Gordon Muir, who I understand is at Squibb

Pharmaceutical Corp., in Princeton, NJ. He told me that he did know about the field. He was quite familiar with Dr. Reisman's research, and he thought that it had real merit, although it perhaps needed some refining.

Then on June 7, 1983, a Mr. James Wootten of the Justice Department called me. He said that the Justice Department was interested in Dr. Reisman's work and that it would support her next stage of research. At that point, I passed all of the information I had about this issue to Mr. Robert Norris, who is the vice provost for university programs at the American University.

Contracts and grants at our institution fall under his purview, and all faculty-related matters lie within the office of the provost. I told Mr. Norris that I could make no judgment about Dr. Reisman's research, but it sounded timely and potentially significant, especially given the Nation's increasing awareness of and concern about child molestation.

I noted that a number of our faculty members in the school of education, the school of justice, the departments of psychology and sociology, and possibly even the Washington College of Law, in theory at least, could be interested in her work. I asked Mr. Norris to take up the matter following the standard procedures for the possible appointment of a research faculty member. To the best of my knowledge, he did so.

On January 1984, Mr. Bruce Chapman called my office. He gave his title as Director of Planning and Evaluation at the White House. I was in Los Angeles at the time but called my office for messages. On the 19th of January, I called Mr. Chapman back. He began by asking if I was aware that Dr. Judith Reisman might become affiliated with the American University and that the Justice Department was interested in her research. I told him that I had known about this in the summer of 1983 but that I had not been involved personally since then.

He said he was calling because the White House was concerned about child abuse and its effects on families. He wanted to find out if her research would be forthcoming. I told him, as far as I knew, it would be.

He said he had heard that there might be problems at the university with her appointment. If that were true, he was disappointed because he was interested in her findings. I told him I was unaware of any problems except possibly bureaucratic ones such as disagreements between her and the provost over her fringe benefits.

He said that such matters did not interest him and repeated that he had called only to ascertain if her research was in fact proceeding. Neither he nor I was certain at that time whether the Justice Department grant had yet been processed, although we both knew that it was imminent. Our conversation lasted on the order of 10 minutes.

Mr. Wootten and Mr. Chapman are the only persons in any way associated with the Justice Department or the White House with whom I had communication regarding Dr. Reisman or the Justice Department grant to her.

Incidentally, it was not until about an hour or so ago that I first met Dr. Reisman or talked to her.

[The prepared statement of Dr. Berendzen follows:]

PREPARED STATEMENT OF RICHARD EARL BERENDZEN

On 13 May 1983, Mr. Jack Martin — an Englishman who now lives in Dallas and publishes Texas Business — called me. I had been introduced to him about two years earlier by a mutual friend — Abelardo Valdez, a former Texan who was U.S. Chief of Protocol under President Carter and who now is a Washington attorney and a trustee at The American University. Mr. Martin explained to me over the telephone that he publishes not only the magazine but also books. He said he planned to publish a manuscript by Dr. Judith Reisman. Her research, he explained, deals with human sexuality.

He said she wanted to find an academic base in the Washington, D.C. area because she now lives nearby. Before she talked with one of the other Washington area universities, he suggested that she talk with The American University because of his knowledge about it. He asked me if she might become affiliated in some way with The American University. I told him that although faculty personnel matters are the province of our provost, I doubted if a tenure track faculty position would be available. (The American University, like many universities today, is trying gradually to reduce the number of tenure track positions.) But a research appointment might be possible. (Like many universities, The American University has research faculty who — in contrast with permanent, tenured professors — stay at the university for a limited period specifically to conduct research. At present, The American University has approximately thirty such individuals, some of whom came to the university with grants.)

Mr. Martin responded that the Justice Department was interested in Dr. Reisman's forthcoming research on possible linkages between pornography and child abuse, and that the Justice Department probably would award a grant to support her next study. To give me an idea about her work, he offered to send a draft of her book.

After I read it, Mr. Martin and I discussed it by phone on 2 June 1983. I told him I was unqualified to make a professional judgment about it, but a few general points had struck me nonetheless. The manuscript was potentially controversial and provocative. If her assertions were valid, the work would be important. But I did not find the draft version to be convincing and I thought Dr. Reisman would benefit from collegial advice about methodology. Mr. Martin assured me that even though her work was polemical, authorities in the field supported it. I conceded that could be the case, for I am not an authority in the subject area.

In early June 1983, a man in Princeton, New Jersey called me at Mr. Martin's request. Although I do not recall his name or institutional affiliation, I do remember that he told me he had done extensive research in Dr. Reisman's area. In his opinion, her studies had merit, even if they perhaps needed refining.

On 7 June 1983, Mr. James Wooten of the Justice Department called me. He said that the Justice Department was interested in Dr. Reisman's work and that it would support her next stage of research.

At that point, I passed all the information I had about this issue to Mr. Robert Norris, Vice Provost for University Programs at The American University. Contracts and grants fall under his purview and all faculty-related matters lie within the office of the provost. I told Mr. Norris that I could make no judgment about Dr. Reisman's research. But it sounded timely and potentially significant, especially given the nation's increasing awareness and concern about child molestation. I noted that a number of our faculty members -- in the School of Education, the School of Justice, the Departments of Psychology and Sociology, and the Washington College of Law -- might be interested in her work. I ask Mr. Norris to take up the matter, following standard procedures for the possible appointment of a Research Professor. To the best of my knowledge, he did so.

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On 18 January 1984, Mr. Bruce Chapman called my office. He gave his title as Director of Planning and Evaluation at The White House. I was in Los Angeles at the time but called my office for messages. On 19 January, I called Mr. Chapman back. He began by asking if I was aware that Dr. Judith Reisman might become affiliated with The American University and that the Justice Department was interested in her research. I told him that I had known about this in the summer of 1983 but that I had not been involved personally since then. He said he was calling because The White House was concerned about child abuse and its effects on families and he wanted to find out if her research would be forthcoming. I told him as far as I knew, it would be. He said he had heard there might be problems at the university with her appointment. If that were true, he was disappointed because he was interested in her findings. I told him I was unaware of any problems except possibly bureaucratic ones such as disagreement between her and the provost over her childrens' tuition remission; that is, fringe benefits. He said such matters did not interest him, and repeated that he had called only to ascertain if her research, was in fact, proceeding. Neither he nor I were certain whether the Justice Department grant had been processed, although we knew it was eminent. Our conversation lasted about ten minutes.

Mr. Wooten and Mr. Chapman are the only persons in any way associated with the Justice Department or The White House with whom I have had any communication whatsoever regarding Dr. Reisman or the Justice Department grant to her. And, incidentally, I have never talked with Dr. Reisman or met her.

Senator SPECTER. Dean Turaj, we will hear from you now, and then the questions will go to the two of you gentlemen, since they would be along a similar line.

TESTIMONY OF DR. FRANK TURAJ

Dr. TURAJ. Thank you, Senator.

I will skip the first paragraph because it says pretty much what President Berendzen already said.

Senator SPECTER. We have your written statement. It will be made a part of the record fully. So, to the extent you can summarize it, we would appreciate it.

Dr. TURAJ. I would like to simply say that in my written statement I carry us through the process of how Dr. Reisman came to our campus, how we went about considering the research project that she would bring to us, who was involved, what the procedures were, and finally that we agreed to accept this particular arrangement which, by the time of our acceptance, had changed from the nature of a grant to a contractual agreement.

I would simply like to read one part of what I have here because I think it might affect some of the way we talk about grants and universities. That is the last section on page 3, the bottom paragraph:

What is the role of a university that serves as an institutional home for a grant? Universities are somewhat different from other organizations. I perceive a certain lack of understanding about that in some of the material, including transcripts of previous hearings that I have looked at. A university is a cooperative group of professionals. It is somewhat unlike a business corporation that proposes to deliver a certain product.

Grants and research arrangements at universities have a principal investigator. Sometimes the principal investigator is already a faculty member at the university. Very often a professional looks for an institutional home to administer a grant or other research arrangement. This is not at all rare. In fact, I think it is quite usual.

I note that President Berendzen said that it is not unique but perhaps not usual. I think it is more usual that he thinks it is.

If the university becomes that institutional and administrative home, it is the role of the university to see that all conditions of the arrangement are fulfilled, that all laws and regulations are adhered to, and that the expenditure of money is legitimate and accounted for. In addition, to the extent that it can, a university supplies professional help and advice, but professional work is under the direct charge of the principal investigator. If any laws, regultions, or university procedures are being violated, the university needs to exercise its prerogatives and do the appropriate things. But the university has to allow the investigator to succeed or fail intellectually. The university as an entity, unlike a commercial corporation, cannot manipulate or dictate the procedures and certainly not the products of research, except insofar as laws and regulations are violated. The nature of research is that one cannot dismiss hypotheses which may be reasonable, nor may undue pressure be used to dictate forms of inquiry.

I simply read that into the record because I do notice that there is a certain sense of uncertainty as to how universities tend to get grants and the various ways in which they treat it.

[The prepared statement of Dr. Turaj follows:]

Prepared Statement of Frank Turaj

According to my knowledge, The American University was first introduced to this project when a Mr. Jack Martin, who is a publisher for Dr. Reisman's work, made a telephone call to President Berendzen. President Berendzen referred the information to Mr. Robert Norris, Vice Provost for University Programs. Mr. Norris contacted Dr. Reisman and met with her. She explained that she was working on a grant application to pursue research in her subject, the sponsor to be a division of the Department of Justice. Dr. Reisman subsequently contacted Dr. Myra Sadker, then Dean of the School of Education of the College of Arts and Sciences of The American University. In the meantime, Mr. Norris told me over the phone that Dr. Reisman was looking for an institutional sponsor. Shortly after this, Dr. Sadker told me that she had had a conversation with Dr. Reisman and indicated that Dr. Reisman was interested in The American University as the administrative institution for this prospective grant. Previous to this, to my knowledge, no one at the university knew Dr. Reisman or knew about her work.

Dr. Sadker indicated that she was willing to have the School of Education be the "home" unit for the administration of the grant. This made sense to me because Dr. Sadker has a long record of successful grant administration and is expert in the techniques of content analysis.

After that, the application went through the regular processes. Dr. Reisman was aided by our office of Program Development and Administration, which in turn entered into discussions with the Office of Juvenile Justice to work out the terms of the arrangement.

The prospective grant was reviewed by the Institutional Review Board. I am impressed that the board did an extremely conscientious job. Certain caveats were relayed to Dr. Reisman respecting any use of materials in Dr. Reisman's possession having to do with material gathered from human subjects and with any material which might be gathered in the future.

Dr. Reisman's resume was checked to assure that the resume was genuine, that is to say, that she did have the degrees she represented herself as having and that she held the positions that she had entered on her resume. This was simply a basic check. There was no attempt to make a qualitative assessment of her previous work. It was my feeling that the professionals from the sponsoring agency were more expert in the field of Dr. Reisman's research than anyone at the university. It was and is my feeling that there is no reason to suppose that the Department of Justice is not a perfectly respectable entity with which to have arrangements.

I do not know the present situation regarding research in the area of pornography and its effects. Assuming that professionals in the Department of Justice found merit in pursuing Dr. Reisman's line of inquiry, the project seemed and seems reasonable. We do know that content has effect. All of us act in one way or another on the basis of content we assimilate in one way or another. Important social and commercial decisions have been reached on that basis. There are no whiskey ads on television. Cigarette commercials have been removed from television. I take no position on this. I simply point out that we assume cause and effect relationships as a result of the content of communications. Whether or not such cause and effect can be demonstrated between pornography and sex crimes is the open question. That is the subject of this research. Furthermore, even if a good deal down the line (and no one suggests that Dr. Reisman's project will be the last word) research reveals a persuasive connection, I could not possibly guess as to the form of action that may or may not be taken consistent with our laws and with the rights guaranteed under the First Amendment. I would think, however before anything can be considered, further analysis and classification of material would be necessary. The creation of data and knowledge is the reason for doing research.

As to whether or not Dr. Reisman's project is potentially valuable, I could not say. That would be prejudging the research. If research could be prejudged, it would not need to be carried out.

While we were considering acceptance of the arrangement with the Department of Justice, which in the mean time had changed from a grant to a cooperative agreement, a certain amount of notoriety occurred. A number of people at the university received calls from reporters. I remember one such particularly. I may have had more than one call. My own reaction was that academic integrity would not permit us to base any decision on such considerations. Indeed, it was important that we not be perceived as timid in allowing the pursuit of research that had become, for whatever reasons, controversial. I recommended to the Provost the acceptance of the arrangement.

One final note. What is the role of a university that serves as the institutional home for a grant? Universities are somewhat different from other organizations. I perceive a certain lack of understanding about that in some of the material, including transcripts of previous hearings, that I have looked at. A university is a cooperative group of professionals. It is somewhat unlike a business corporation that proposes to deliver a certain product. Grants and research arrangements at universities have a principal investigator. Sometimes the principal investigator is already a faculty member at the university. Very often a professional looks for an institutional home to administer a grant or other research arrangement. This is not at all rare. It is quite usual. If the university becomes that institutional and administrative home, it is the role of the university to see that all conditions of the arrangement are fulfilled, that all laws and regulations are adhered to, and that the expenditure of money is legitimate and accounted for. In addition, to the extent that it can, a university supplies professional help and advice, but professional work is under the direct charge of the principal investigator. If any laws, regulations, or university procedures are being violated, the university needs to exercise its prerogatives and do the appropriate things. But the university has to allow the investigator to succeed or fail intellectually. The university as an entity, unlike a commercial corporation, cannot manipulate or dictate the procedures and certainly not the products of research, except insofar as laws and regulations are violated. The nature of research is that one cannot dismiss hypotheses which may be reasonable nor may undue pressure be used to dictate forms of inquiry.

Senator SPECTER. Gentlemen, as a matter of either routine practice or, specifically in Dr. Reisman's case, was any review conducted at American University of her proposed project or of her qualifications to carry it out?

Dr. TURAJ. Yes, reviews were carried out by a number of people. In the first instance, we have something called the Office of Program Development and Administration. They read all proposals, and they read them with an eye toward the ability of the university to carry out its responsibilities and with an eye toward the budget that is involved. In that process those people worked with people from the Department, from OJJ, particularly with Mr. Bob Heck. I have been told as early as yesterday that they found Mr. Heck to be an extremely hard bargainer in the matter of working out budgets for the proposal.

With respect to the intellectual content, again, it is read largely to see if it is a reasonable proposal. By reasonable, I mean if there is a hypothesis that can be worked with, if there are results which may be useful——

Senator SPECTER. Was such a specific review made at American University on Dr. Reisman's proposal?

Dr. TURAJ. At a number of levels. In a certain sense, it is made at a number of levels. I read the proposal. Dr. Myra Sadker——

Senator SPECTER. You approved it?

Dr. TURAJ. Eventually I approved the proposal. Dr. Myra Sakder read the proposal and proposed it to me, recommended it to me——

Senator SPECTER. And who is he?

Dr. TURAJ. She. Dr. Myra Sakder was dean of the School of Education at that time and——

Senator SPECTER. Who else reviewed it?

Dr. TURAJ. The director of the Office of Program Development and Administration.

Senator SPECTER. Did anybody else review the proposal?

Dr. TURAJ. Not to my knowledge.

Senator SPECTER. Who, if anyone, reviewed——

Dr. TURAJ. Mr. Norris, I am sure, read it.

Senator SPECTER. Who, if anyone, reviewed Dr. Reisman's qualifications?

Dr. TURAJ. I think that they were reviewed in three ways, and I am not exactly sure in how much detail. Mr. Norris reviewed those qualifications and made some telephone calls concerning them. I think he even asked the registrar of our university to call and ascertain the degrees and when they were received.

The department in which the appointment is made, in this case it is the School of Education, which is a department of the College of Arts and Sciences, has the obligation to propose an appointment of any kind, either a research appointment or a tenure track appointment. In that procedure, there is something called the rank and tenure committee. The rank and tenure committee looks at the vita and decides whether or not such an appointment should be recommended. It then comes to me, and I look at it. If the recommendations are pretty much favorable when it gets to me, I tend to pass them on as a favorable recommendation.

I do want to make this point. In recommending people for research appointments, it is true—perhaps it should not be, but it is

true—that we tend to be less rigorous than for those who would be coming for tenure track appointments. The nature of such appointments for people that come with grants or with contractual arrangements is temporary, maybe a year. It may be 2 years. We simply want to know that those people are truly who they say they be, that they are not masquerading under false names or false identities or have false qualifications. And usually those people are already being recommended to us in some fashion or another by professional organizations or by qualified institutions. In this case, for example, it was the Office of Juvenile Justice which we knew was interested in Dr. Reisman's work and believed that Dr. Reisman's work was——

Senator SPECTER. Are you saying that you accepted the recommendation of the Office of Juvenile Justice and Delinquency——

Dr. TURAJ. They made no recommendations, but I am sure of the fact that they found her to be a potential valuable investigator carried weight in our minds.

Senator SPECTER. What input did American University have in putting together or evaluating the cost components of Dr. Reisman's proposal?

Dr. TURAJ. The ultimate cost?

Senator SPECTER. Yes.

Dr. TURAJ. I think we had a great deal of input. I talked yesterday or the day before with a person who worked on the budget with Mr. Bob Heck and with Dr. Reisman, presumably. And he indicated that it was in fact a joint design. He also indicated at that point, as I have just indicated to you, that he found Mr. Heck to be a very hard bargainer in terms of costs and things which were asked for and which would be allowed or not allowed.

Senator SPECTER. Dr. Reisman identifies herself on page 5 of her program narrative as a, quote, "full research professor," unquote. Does such a position differ from any other kind of research professor?

Dr. TURAJ. Yes. We have research ranks which roughly run parallel to the regular ranks. There could be an associate research professor. There could be an assistant research professor.

Senator SPECTER. Is there a full or less than full or part-time research professor?

Dr. TURAJ. Yes, there could be an associate research professor.

Senator SPECTER. Is there a position known as full research professor?

Dr. TURAJ. Research professor is it. But, yes, you would say it is a full research professor. The official title is research professor.

Senator SPECTER. Research professor is it, but you can say it is a full research——

Dr. TURAJ. It is the equivalent of a full——

Senator SPECTER. Have you seen anybody else put on their resume full research professor?

Dr. TURAJ. I do not remember, but it is not unusual for a person who has attained the highest rank of a professor to say I am a full professor.

Senator SPECTER. Have you seen someone put that on their resume?

Dr. TURAJ. Yes.

Senator SPECTER. Having heard all that you have heard today, and knowing more about Dr. Reisman's program than you did when you undertook it, do you have any doubts, Dr. Berendzen, as to the value of the program or American University's interest in continuing the arrangement?

Mr. BERENDZEN. Well, with respect to the benefit that an institution obtains from a research professor and the grant, let us be quite clear what it is and what it is not. Earlier on, the sum of $800,000 was mentioned. That, as I understand it, would be for a 2-year period. I gather, at the current rate it is being expended, it would be more like $350,000. In any case, the overhead of the university in this, so I am told, is 30 percent. This would mean that if it went for completion in 2 years at the full amount, it would be $240,000. If it is at the reduced rate, it would be more on the order of $100,000, or $50,000 per year.

There is the other side of the coin, too. That is the amount of time that is taken on the part of the president, the dean, the provost, the vice provost, and a host of other people. On a shear monetary basis it would be hard to prove that this grant or some others in fact add much financially to the institution. It really does not make much difference to us financially.

The other component is nonfinancial. That is augmenting the intellectual base of an institution, presumably collegial interaction—one faculty member interacting with another in stimulating new research and new ideas. In that context, it is still a moot question what this particular grant will lead to, because the project is still so young.

It is certainly true that, so far, it has been so controversial, involved so much discussion that the benefits are fairly slight compared with——

Senator SPECTER. Produced substantial collegial interaction——

Mr. BERENDZEN. Well, Dr. Reisman could answer that better than I could, but I do know——

Senator SPECTER. I could even answer that.

Mr. BERENDZEN. Well, I perhaps did not hear your question exactly, but I thought you were referring to collegial interaction with our faculty in a campus. And if that is the question, she does certainly interact with Dr. Sadker and others.

Senator SPECTER. Do you have any intention of abandoning the project as a result of these proceedings?

Mr. BERENDZEN. No. To do so, I think, would probably be a violation of academic freedom, and we try to guard that very carefully in our campus.

Senator SPECTER. Aside from the issue of academic freedom—and I very much appreciate what you are saying about that—you do not have any second thoughts about the value of the entire project?

Mr. BERENDZEN. No. That question has not come to something that I would try to reach a judgment about. Whether the provost or others at the institution would, I do not know; but to the best of my knowledge, no.

Senator SPECTER. Dean Turaj, would you agree with what President Berendzen has said?

Dr. TURAJ. Yes, I would. I would not prejudge research, nor would I prejudge this research any more than I would any other,

unless it were patently absurd. I would not like to entertain research at the university to prove that the world was flat. But, on the other hand, we do know that content has effect upon people. If we did not know that, we would not have taken whiskey ads off television; we would not have taken cigarette ads off of television; we would not be talking now about taking wine and beer ads off television. We are worried about the influence and effect of content upon people.

This is a grant which wants to get at the nature of content, classify it, have it appraised by other professionals. I would hope that the grants procedures would be refined as they go along and become more skillful. The university is in fact involved in working with Dr. Reisman to that end. But I find that the purpose is honorable, a perfectly plausible piece of research. It may prove to be helpful. We do not know that.

But if we could prejudge a piece of research, there is no point doing it.

Senator SPECTER. Senator Metzenbaum?

Senator METZENBAUM. First, Dr. Berendzen, even if you are mistaken about Mr. Martin's phone call of May 13 concerning the Justice Department grant—and I do not think you have indicated that you are mistaken, and your notes confirm the May 13—but, if you were, it would not have been later than June 2. Is that correct, according to your logs?

Mr. BERENDZEN. According to my logs, we have entries during that timeframe of only two calls, when Mr. Martin called me. One was on May 13, 1983. The other was on June 2, 1983. From there on, I have to go by my recollection.

My recollection is that in one instance he called and mentioned Dr. Reisman. On a second instance, he called to discuss it further.

We could have failed to enter something in the phone log; that is possible.

Senator METZENBAUM. Mr. Regnery, your office first talked to Ms. Reisman on May 24. But by June 2, 9 days later, Mr. Martin is telling Dr. Berendzen that she may have a Justice Department grant.

Would you explain that to me? Is not that pretty fast service when we are talking about grants being awarded?

Mr. REGNERY. We had not, in fact, awarded her a grant, I guess, by June 2.

When did we award the grant?

Mr. WOOTTON. It was not until the fall that it was actually awarded.

Mr. REGNERY. We may have mentioned to her that we were interested in the subject matter and that, if she wanted to pursue it, we would be interested in discussing it with her further. I suspect that is about the nature of the conversation.

We do not have the ability to promise people orally to make grants. In fact, nobody has a grant until the grant has been signed and returned to us, signed by the recipient.

Senator METZENBAUM. But yet a man out in Texas is calling Dr. Berendzen and is saying that the Justice Department was interested in Dr. Reisman's forthcoming research on possible linkages be-

tween pornography and child abuse, and that the Justice Department probably would award a grant to support her next study.

Mr. REGNERY. I have no control over what somebody says in Texas about whether or not the Justice Department is going to award grants.

Senator METZENBAUM. Ms. Reisman, from July 11 to July 15, you attended a 4-day workshop at Sam Houston State University in Huntsville, TX. And you spoke on behalf of the Office of Juvenile Justice. For whom were you working at that time?

Dr. REISMAN. First of all, Senator, I do not know that I spoke. I accept you must have an affidavit there.

Senator METZENBAUM. Pardon?

Dr. REISMAN. You must have some sort of an affidavit that I am not aware of. I will just assume that you are correct. I have no idea.

Senator METZENBAUM. I have the schedule, I think it is, or the program.

I will come back to that, because I have the program of that 4-day workshop at Sam Houston.

Now, the question that I have of you is, were you working for the Office of Juvenile Justice at that point?

Dr. REISMAN. I was absolutely not. I was not employed. No, I never worked for the Office of Juvenile Justice. I was employed by American University at the signing of the grant, which was February, and my first pay began at that time.

Senator METZENBAUM. Who paid for the trip to Huntsville?

Dr. REISMAN. You will have to check with OJJDP on that. I believe it was the criminal center there. But I do not know. You will have to check with them. I did——

Mr. REGNERY. We had a grant to Sam Houston State University in Texas to put on some seminars. And I believe there was some money in that grant for them to bring people to those seminars.

Senator METZENBAUM. So, you arranged for them to bring——

Mr. REGNERY. No; Sam Houston University would have arranged that. That was a grant that we had made sometime previous to that.

Dr. REISMAN. But I did lecture there.

Senator METZENBAUM. Let me ask you this. You just arrived from Haifa. You had been here for a little bit of time at that point. My question is, how does Sam Houston University see fit to call you and know that there was money available to pay your way? I am sort of curious.

Mr. WOOTTON. Senator, let me explain that. We gave a grant of about $137,000, I think, to Sam Houston State University, where they have a criminal justice center. And that money was partly our money and partly from the National Institute of Justice. It was to deal with a wide variety of issues, from sexual exploitation to serial murder. Bob Heck, who had made contact at this point with Dr. Reisman, is the project monitor of that grant. He suggested to Doug Moore, who was the recipient or the primary director of that project at Sam Houston State, that Dr. Judith Reisman would make a good presentation as to the subject matter. And she came down there and made a presentation.

I assume, as Mr. Regnery said, that the travel funds came out of that $137,000 grant to Sam Houston.

Senator METZENBAUM. Thank you, Mr. Wootton.

Then it is a fact that you did make a presentation at Sam Houston?

Dr. REISMAN. I certainly did, sir.

Senator METZENBAUM. I thought you had said that, if I had an affidavit to that effect——

Dr. REISMAN. No, you said that I spoke on behalf—please correct me. You said that I spoke—what was it? Something about that I spoke for OJJDP or something. And I said I did not recall that I had said that. I do not know that I could have said that. And so I asked if you had an affidavit to that effect.

Senator METZENBAUM. I do not wish to——

Dr. REISMAN. I certainly did lecture, yes, sir.

Senator METZENBAUM. Mr. Regnery, prior to May 24, 1983, had you ever heard of Ms. Reisman?

Mr. REGNERY. I do not know the exact date. I had never heard of Ms. Reisman before she came in to see me, after she was on this radio show. In fact, I had not heard the radio show. So, it must have been probably the—what was the date of the radio show?

Senator METZENBAUM. May 23.

Mr. REGNERY. OK, I probably first heard of her on May 24.

Senator METZENBAUM. And yet it was on May 13 that Mr. Jack Martin called the president and said that she was going to get a grant. Now, how do——

Mr. REGNERY. I think somebody is probably mistaken, because I had never heard of Jack Martin. Unless she was going to get a grant from somebody else at the Justice Department, I think somebody has some dates mixed up.

Senator METZENBAUM. Had Pat Buchanan discussed her with you at any time prior to her appearance on his show?

Mr. REGNERY. No.

Senator METZENBAUM. Now, Dean Turaj, on June 30, you received a memo from Myra Sadker, dean of the School of Special Education at American University——

Dr. TURAJ. School of Education.

Senator METZENBAUM. Of Education, fine, OK. Thank you for the correction.

Ms. Sadker writes that she supports the rank and tenure committee's recommendation of the appointment of Ms. Reisman as a research professor, but then goes on to say, only if she brings with her the money. She says: "Obviously, my recommendation that Dr. Reisman be appointed as a research professor is contingent upon receipt of external Federal funding."

Dr. TURAJ. Yes, sir.

Senator METZENBAUM. And that you would not have appointed her without her holding out the possibility of receiving a Federal grant in the sum of $800,000. Is that correct?

Dr. TURAJ. The appointment would have been contingent upon not necessarily the receipt of that amount of money particularly that you have mentioned, but it would have to be upon the receipt of a grant. Otherwise, Dr. Reisman would have nothing to do at

our university. If she was coming in order to run a grant that had to do with pornography, we needed to have a grant for her to run.

Senator METZENBAUM. I think Dr. Berendzen is asking to comment.

Mr. BERENDZEN. Yes; I might be able to clarify that for you, Senator. We have a manual of information, regulations, and procedures dealing with the faculty personnel policies. The latest edition was put out on September 1, 1980. I will be glad to give it to you, if you like. Page 12 states the following with respect to research faculty, and I will truncate most of it:

> Such an appointment does not confer membership on the faculty. Persons in these ranks shall have no presumption of a right to reappointment. These appointments carry no implication of or credit toward academic tenure. Appointments may be made on a part-time or full-time basis.

Then the final sentence:

> A person holding such an appointment must have his or her salary entirely funded by sources outside the university.

Senator METZENBAUM. Thank you, Dr. Berendzen.

Now, Ms. Pamela Swain, what position do you now hold at the Department of Juvenile Justice?

Ms. SWAIN. I am the Director of the Research and Program Development Division.

Senator METZENBAUM. You are a director——

Ms. SWAIN. Director of the Research and Program Development Division for the Office of Juvenile Justice.

Senator METZENBAUM. When were you made Director of that department?

Ms. SWAIN. In August 1983.

Senator METZENBAUM. This memo is a review of Dr. Reisman's application by you. I would like to take the time to read the entire memo because I think it is very important to this committee.

BACKGROUND

This proposal consists of review and assessment of existing literature in the areas of sexual exploitation, with an emphasis on pornography and juvenile delinquency. Experts from a variety of disciplines will review pornographic materials and studies in their own disciplines related to sex, juvenile delinquency, with an emphasis on violent behavior. The final product will be a report synthesizing this material and summarizing what is known about the relationships between child sexual exploitation and delinquency.

ANALYSIS AND RECOMMENDATION

For the following reasons, I believe this project can be accomplished in a much shorter time and at a considerably reduced cost to the Federal Government.

One, the literature on the relationship between sexual exploitation and delinquency is very limited. Furthermore, there have been several comprehensive reviews which involve the critical assessment of the research of media violence on behavior.

Two, the assessment center program conducts similar reviews in 6 to 9 months, for a range of $20,000 to $40,000 depending on the

topic area. Since it would be desirable to increase the usual number of outside experts involved to 10 or 15 for this topic area, this may increase costs to approximately $60,000. It appears we would be paying for the establishment of an office in order to obtain an assessment of what is known about the relationship of sexual exploitation to juvenile delinquency. Therefore, I recommend that the assessment center be asked to develop a plan including a statement of work and budget estimate. Given the importance of this topic, a separate recommendation for it to be part of their new work plan has already been forwarded to the TDS.

Alternatively, it would be possible to competitively select an organization to conduct this assessment. I believe that either of these two alternatives would result in more timely completion of the project at a greatly reduced cost. Conceivably, more funds could be made available to implement the program and/or research recommendations which would be produced as a result of the assessment.

Ms. Swain, one has to assume that you read Ms. Reisman's grant proposal at the time you wrote that memo. Is that correct?

Ms. SWAIN. Yes, Senator, I did.

Senator METZENBAUM. And that proposal is about 40 pages long, as I understand, and goes into reasonable detail of the project. Ms. Swain, would you tell the committee what occurred when you sent this memo to Mr. Regnery, what was his reaction, and what developed as a consequence?

Ms. SWAIN. I did not discuss the memorandum with Mr. Regnery.

Senator METZENBAUM. With whom did you discuss it?

Ms. SWAIN. I did not discuss the memorandum. I sent it forward through the usual channels for reviewing an application.

Senator METZENBAUM. Did you discuss it with Mr. Heck?

Ms. SWAIN. No, I did not.

Senator METZENBAUM. Nobody discussed your recommendation and your analysis with you?

Ms. SWAIN. No, they did not.

And I would like to add that this is not unusual, because the proposal at that point was not being handled in my division. It was being handled in another division. Often, reviews are requested from various divisions considering a proposal.

The discussions were held with Mr. Robert Heck and the other people who were directly involved in processing the application.

Senator METZENBAUM. You were not a party to those discussions?

Ms. SWAIN. No, I was not.

Senator METZENBAUM. When you testified in the House, you explained that the project differs in two important ways from what you understood at the time of the original review. First of all, you said: The scope of the literature review was broader than I had originally understood. I had thought that it was going to be focused on examining research that directly looks at the link between pornography, child exploitation, and juvenile delinquency. It will look at a variety of disciplines and look at research and media effects on juveniles and adults and examine the implications of that research, looking at the effect of pornography on juvenile delinquency and exploitation.

As a layman, would you explain to me what you just said?

Ms. SWAIN. That the scope of the literature review was to be broader than I originally understood. In other words, you can talk about a core of research which specifically has examined the relationship between pornography, exploitation, and delinquency. In a field such as this, where the effort is exploratory, it is also important to look at research in related disciplines such as the whole area of the effect of media on behavior in order to better understand the specific topic area you are interested in.

I did not realize in reading the proposal the first time that the literature review was to include those other areas as well.

Senator METZENBAUM. What other disciplines were you talking about? You said in areas of other disciplines.

Ms. SWAIN. Psychology, sociology, biology, a variety of disciplines were to be included.

Senator METZENBAUM. Well, certainly nobody would make a study that would only just look at the literature itself. Whether you paid $20,000, or $40,000, or $60,000, you could just go—that would not get you very far. And certainly you had in mind that the $60,000 study you were talking about would certainly be doing something more than just looking at the literature, because that would not be a very valuable kind of look, just to look at the magazines and say there are a lot of pornographic magazines around.

So, what were you contemplating for $60,000?

Ms. SWAIN. Let me clarify that. When I talk about a review of the literature, I am not talking about the pornographic literature itself. I am talking about review of research that has been done on a particular area. And that can be a very complicated process. You are looking at the design of that research and assessing the conclusions.

Senator METZENBAUM. When you looked at the proposal originally, you knew that she was talking about, because, on page 24 of the original proposal, it points out particular attention to the issue of juvenile, biological, neurophysiological imperatives, as viewed by our judging experts in response to mass media will be the overriding commitment of the project director. Now, that is what you just said were the other disciplines you were talking about. Now, she had already mentioned that. You had seen the application. You said it could be done for about $60,000, and it is being done for $800,000. You told the House you did not understand that.

Now, give me the distinction, because I am having $740,000 of difference difficulty.

Ms. SWAIN. The difference is, I originally thought that the literature review, the research review would focus on research that had been done in this area, of which there is not a lot. That means research which has directly tried to measure and understand the relationship between pornography and exploitation. The difference, as I understand it now, is the literature review was to be much broader and also look at studies, while not directly focused on pornography and exploitation and delinquency, they have important implications for that area because they deal with the effect of media on behavior. And those studies come from a variety of different disciplines.

Senator METZENBAUM. Mr. Regnery, now you had this memo from Ms. Swain, who is a trusted member of your staff, as a matter of fact, she gets a promotion from you not too long thereafter——

Mr. REGNERY. She is one of my best employees, Senator.

Senator METZENBAUM. OK. She tells you you can do it for $60,000. So, you sign off on $800,000. I have a little difficulty in following that, particularly for one of your best employees.

Mr. REGNERY. It is not exactly that simple, Senator. I do not remember saying it, but people have told me several times, that the way I put it was. "Why in the hell does this thing cost so much money?" And I was told by the people, by Mr. Heck and by other people who had reviewed it at Sam Houston, that it very likely could cost so much money.

What we did is, instead of making it a grant, we made it a cooperative agreement. And I said, OK, fine, if you can show me that it may cost $800,000, I am willing to take a gamble on it, but I have control of it. It might only cost $50,000. If it only cost $50,000, under the cooperative agreement arrangement that we made, then that is as much as they would get.

So, by doing it that way, we controlled the amount of money that was spent, and at the same time gave the possibility of using that much if they needed it.

Senator METZENBAUM. You know, Mr. Regnery, that the American Psychological Association, in its issue of July 1984, has your picture on the front cover and an article, "Discretionary Justice, the Furor over Juvenile Research Funds." They point out that, of the grants you have made, the 2-year $800,000 grant to Reisman has drawn the most criticism from the media and Members of Congress.

They go on to say:

> Reisman said that quite a few experts have commented favorably on her proposal, although she refused to name any of them. Several well-known social scientists who were asked by the Monitor to look at Reisman's proposals had differing but, in general, negative opinions on its quality.

As a matter of fact, they quote a psychologist from the University of Irvine by the name of Gilbert Geiss. He is the reviewer for the Center for Crime and Delinquency, now known as the Center for Violence and Antisocial Behavior at NIMH. He was adament:

> I have never seen anything like this in thirty-three years of looking at grant proposals. It is just a crazy, wild proposal. She doesn't know anything about statistics or the Delphi Oracle. I wouldn't fund this grant in a million years. I don't know anyone in the whole world who would fund this grant.

The article goes on to say that, as for the consultants, she wrote in her application:

> We have every reason to believe that participation may be gained from such scholars as Neal Malamuth, Bruce Bettelheim, Jessie Bernard, Rollo May, George Gerbner, Jerry Levy, Donald Symons, Sarah Hardy, Kenneth Clark, and the like.

One year later, Reisman said she had not yet contacted any of the persons on her list and would prefer that their names not be published. It goes on to say that Ms. Reisman cites no sources for various statistics in her application such as the estimate that there are 2.4 million teenage prostitutes or that 50 percent of convicted teenage rapists rape again.

"It is hardly in the empirical world we all grew up in," commented psychologist Dean Fixon of Boys Town, who reviewed the application for this article. It is a whole lot of personal opinion stated as fact. It is very dramatic. My mouth was watering as I read the application. I kept thinking that she knew something the rest of us did not know. I was appalled by the lack of references, he said, though he noted that she had cited material from Ladies Home Journal and Woman's Day.

Then, well, there is so much more in this article where the psychologists, almost to a man and woman, come to the conclusion that they question how anyone could get a grant of this kind from your department and of these dimensions. I just wonder whether in retrospect you do not have some second thoughts as to whether the university, whether or not your department should have gone out and sought this woman, based upon a radio program, which, as I understand it, mainly had to do with a critique of Dr. Kinsey's reports or certain portions of it, selected her, and chose to give her through the university $800,000.

I just question how the Federal Government's funds are being spent if in two cases, two of your biggest grants—you said to Senator Specter that you had grants more than $4 million, a number of them. I must tell you that I have looked through the list, and I do not——

Mr. REGNERY. That is not what I said, Senator.

Senator METZENBAUM. What did you——

Mr. REGNERY. I said that this is a $2 million grant and that, for this year, the Missing Children's Center was larger at $2.3 million——

Senator METZENBAUM. Wait a minute, wait a minute, wait a minute. Is it not the fact that the children's—which one did you say was larger?

Mr. REGNERY. The Missing Children's Center.

Senator METZENBAUM. Is not the Missing Children grant $3.3 million and the figures that you gave the House is that this grant is $3,990,000?

Mr. REGNERY. Now, you are talking about Pepperdine. That could be that much if they get the second year.

Senator METZENBAUM. Well, so, what I am saying to you is that this is one of the biggest grants, as I look through this list——

Mr. REGNERY. It is a large grant.

Senator METZENBAUM. Pardon?

Mr. REGNERY. It is a large grant.

Senator METZENBAUM. And the whole psychology community seems to have real reservations about it. And I have a concern that does not really relate to this woman who appears before us. It has to do with you and your department and hearing somebody on a radio program and deciding after that radio program that you are going to make a grant to her. And when the university does not move fast enough, the White House winds up calling the university and says, what's holding things up.

I have to only assume you got the White House to do it, because I cannot assume anything else, because it is right in your department.

Senator SPECTER. Why do you not ask him, before assuming?

Senator METZENBAUM. Well, I am leaving the question right now so he may respond in any way that he wants, because I covered a rather broad-based area. I certainly have no problems, Mr. Regnery, in your responding. So that I will satisfy my chairman, I am asking you. Did you ask the White House to call?

Mr. REGNERY. You did ask me quite a few questions, Senator. I guess that I probably could not answer all of them if I tried, unless they were read back to me one by one. I do think you mischaracterized grossly what has gone on at this hearing. I am astounded, I guess, to listen to your question, after having listened to all that has gone on here about how the grant was made.

In any case, let me say that I think that I would agree with Dr. Berendzen that I have trouble because people criticize something we are doing, claiming we shouldn't have done it after all, it was a bad idea. I think that, with the controls, as I explained them, that we have on this grant, with the cooperative agreement and the ability to change the thing as we go along, with the way we can appoint new people as advisers, with our ability to change the methodology of the grant, and other things which we are in the process of doing, then we can come up with a product that is worthy of the amount of money that we spend on it.

As I said before, we are not necessarily spending $800,000. In fact, it looks as though we will spend closer to $300,000, $350,000 in the 2-year period.

As I look back at grants that are made by my office in years past, at the millions and millions and millions of dollars that have been spent on various programs where nothing has resulted, no, I am not ashamed at all of the fact that we are looking into something as serious as the exploitation of children and pornography for a sum of $300,000 or even $800,000, if we can come up with something that will shed some light on what is certainly a very, very difficult problem and which a lot of people, most people, in fact, do not know very much about. As far as the White——

Senator METZENBAUM. Nobody would question your looking at the subject. Some might question the amount involved and also might question whether you have obtained the best experts in the field.

Mr. REGNERY. Well, that is fine. And if that is so, I would think that the people that belong to the American Psychological Association would have the guts to come to me and tell me what their problems are instead of writing it in a magazine. Nobody has ever called me about it. Nobody has ever called my office that I know of to complain about it. I would think that, if they are so concerned about it, they would be in my office, either with letters or in person, to describe to us what they think should be done, because, in fact, we have the ability under the agreement with American University to change any of those things. We can change, as I said, the methodology. We can change the people on the grant or anything else in order to make it a good product. I just have to believe that many of those people are not really concerned about the technical aspects of the grant as much as they are the substance, because I think, if they were really concerned about the issues we are talking about, they would be here trying to help us do a good job. But they are not.

Senator METZENBAUM. I might say I find nothing in their article questioning the matter of going into this area. That is not the thrust of——

Mr. REGNERY. Of course, they would not say that on the surface. But I think that that is alleged throughout.

As far as the White House is concerned, I have had ongoing discussions with Mr. Chapman for about as long as he has been in the White House, which is sometime after I came, on family issues. He was aware of the fact that we were discussing with American University a grant on pornography. I believe that the way Dr. Berendzen characterized the phone call, as far as I know, is correct. Mr. Chapman had called my office to find out where it was. And I said, as far as I could recall, we had signed the grant, it was at American University, and I didn't know what is going on out there.

He did call me, in fact, before he called Dr. Berendzen to find out who he should call. And I said, "I really do not know; I would suggest you call the President."

Senator METZENBAUM. I have one last question. Ms. Reisman, in that article there were a number of names mentioned that apparently you had used in your application. Are any of them onboard now, or have they been retained, or are they being consulted professionally? If not, what prominent psychologists or biologists or neurologists or whatever are a part of your grant as of this point?

Dr. REISMAN. First of all, Senator, I am going to have to make one statement regarding that article. It misstates the matter in very many respects, and it is untruthful, flatly, in other respects. And I have been advised by counsel not to seek to defend those particular untruths in this forum.

Now, having said that, I have been contacting various people. One of the people that I did contact was Neal Malamuth, a person who was mentioned, that happened to be correct, and quite a few other people.

I am hesitant at this point, perhaps I should not have even mentioned Dr. Malamuth, because I am not quite sure now what the next step is in terms of checking with people to make sure that they, you know, that they have agreed or not agreed to participate.

I have contacted reasonably important people. And as soon as—we have several people, by the way, who have agreed to be involved in the project and will be involved in the project. We will announce that as soon as it is official in a document.

Senator METZENBAUM. Well, I am just asking you, whom have you hired to date? The award was made December 22, 1983. Who has been hired——

Dr. REISMAN. No, the award was accepted by the university, Senator, in February. We have actually been onboard, in terms of our project, only since February. So, that is less than 6 months, or approximately 6 months. We have changed the nature of the project, in fact, so that we are now involved in phase 1. Phase 1 does not involve significant use of any other top-flight academicians at this point.

I did contact Dr. Malamuth and several other people, mainly because they will, I hope, be involved in a peer review of our content analysis instrument. That will go out to them for a peer review.

We have been working on that and developing it for the past several months. That will cross all those sections.

Senator METZENBAUM. I guess I am trying just to ask one simple question: Whom have you hired professionally?

Dr. REISMAN. I do not think I made myself clear, Senator. We have cut or changed——

Senator METZENBAUM. Is the answer no one?

Dr. REISMAN. We have changed the position of the grant, so we are now engaged in phase 1 of the grant. In this phase, we do not require additional assistance from large important individuals outside the institution.

Senator METZENBAUM. Whom have you hired to date?

Dr. REISMAN. In consultance, or——

Senator METZENBAUM. Anybody.

Dr. REISMAN. You would have to check——

Senator METZENBAUM. Do you have a large staff, small staff? I have no idea.

Dr. REISMAN. Well, I think you would have to be the judge of that. We have a secretary, not an administrative secretary, a secretary. I have two graduate students. We have an editor, writer, person who helps with the coding. We have the people necessary for the content analysis part of the project. That's it. That is who we have.

Senator METZENBAUM. Has anybody that you have contacted declined to join your team?

Dr. REISMAN. I think I would have to presume to say that that could relate to the article in question, and this is not the appropriate forum for that, Senator.

Senator METZENBAUM. Well, the answer is either yes or no. Has anybody declined to join your team?

Dr. REISMAN. I am not in a position to state that, Senator. That would have to be referred to another forum.

Senator METZENBAUM. Well, then may I infer from your answer that there have indeed been some who have declined——

Dr. REISMAN. You can decide whatever you wish, Senator.

Senator METZENBAUM. Can you explain to me why you cannot answer that question?

Dr. REISMAN. Under advice of counsel that this is not the appropriate forum to deal with that particular matter.

Senator METZENBAUM. My question has nothing at all to do with the article. My question is, have—I am not asking about the article or names in the article. I am asking you whether or not, is it not the fact that some prominent people in the field have declined to join your team?

Dr. REISMAN. No, that is not a fact, Senator.

Senator METZENBAUM. What is the fact then?

Dr. REISMAN. Some have not.

Senator METZENBAUM. Pardon?

Dr. REISMAN. I mean, that is not correct.

Senator METZENBAUM. What is the fact?

Dr. REISMAN. I will have to refer to counsel on that. If you prefer, I can go out and call and find out how I am supposed to deal with that particular part of it.

Senator METZENBAUM. I can only ask the questions, Ms. Reisman. You have to provide the answers. If you do not want to answer, that is up to you.

Dr. REISMAN. OK.

Senator SPECTER. Thank you all very much. We will now move to the next panel.

The next panel is Robert L. Woodson and Robbie Callaway.

While the next panel is coming in, I am going to read into the record the letter from Mr. George Nicholson to me dated July 25, 1984:

Thank you for your courtesy and interest in connection with preparing for Senate oversight proceedings of the Federal Office of Juvenile Justice and Delinquency Prevention, to be held——

Let there be order, please. If you choose to leave, leave quietly.

I hope the following is useful in these proceedings. During late 1983 the Administrator of OJJDP was referred to me in my capacities as a former Senior Assistant Attorney General and Director of the California Department of Justice's School Safety Center and as a then member of the California Governor's Office of Planning and Research. In those contexts, I was assigned to provide background and assistance and to help OJJDP's Administrator to better understand campus climate issues, especially as they relate to school safety.

During the next several weeks, in an effort to assist OJJDP's Administrator and the Federal Government, I provided substantial assistance personally on behalf of this State. As time passed and OJJDP's Administrator and other Federal officials began to formulate their views, I was asked to consider the possibility of becoming more directly involved. Thereafter, I and others devoted considerable time and attention to analyzing what might be done nationally and how I and they might help. Eventually, I became directly involved, as did Pepperdine University at my sole personal invitation. I had no prior relationship with or interest in the university. In fact, my first contact with the university was made by calling Los Angeles telephone information, asking for a university telephone number, dialing it, getting a receptionist, and asking for the person in charge of the university.

I was then fortuitously and directly connected late on a Friday afternoon with Executive Vice President David Davenport, whose secretary happened not to be there. Both my and Pepperdine University's involvements were prompted by a proper invitation and encouragement of appropriate Federal officials acting lawfully and responsibly.

At no time did Presidential Counsellor Edwin Meese III personally initiate or seek in any way to involve me or Pepperdine.

Once commitments were made, both by us and the Federal Government, we vigorously pursued those commitments. Thereafter, certain critics, some of whom were staff and/or members of either the Congress or the United States Senate and certain OJJDP staff, often anomymously, precipitated or participated in news media accounts which were unjustifiably and inaccurately derogatory to OJJDP's Administrator, to me, and to Pepperdine University.

One news chain or network after another has picked up the same identical theme days or often weeks apart and has presented it as if it is original and never before published or seen. When ABC's national news aired the matter recently, long after it had widely appeared numerous times elsewhere in the news media, it was labelled on screen as a major new investigative report. That investigative report used one Congressman, a Senator, and three OJJDP employees to attempt to create a story where in fact there was none.

The bottom line of all this is very simple. OJJDP's Administrator was appointed by the President and confirmed by the United States Senate to do the job, among others, that he has done in our case. I and the others on the staff of the National School Safety Center and Pepperdine University were lawfully invited into all of this by that presidential appointee, who was confirmed by the Senate. We are all dedicated to doing good for America's public schools and the children, teachers, and staff in them and the communities in which they exist.

Nevertheless, the immense potential for good, which our relationship with the Federal Government continues to hold, has been unnecessarily and senselessly tarnished by a seemingly endless collaboration by certain Federal governmental offi-

cials and the news media to create an apparent issue of impropriety where there is most emphatically none.

We hope these proceedings can help put that to an end.

Most cordially, George Nicholson.

Copies to David Davenport, executive vice president of Pepperdine, and Mr. Alfred Regnery, Administrator of OJJDP.

Gentlemen, thank you very much for joining us at this proceeding. Will you please identify yourselves? I see that we have called for two and gotten three.

STATEMENTS OF ROBERT L. WOODSON, PRESIDENT, NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE, ACCOMPANIED BY MARK THENNES, DIRECTOR OF PROGRAMS, AND ROBBIE CALLAWAY, DIRECTOR OF GOVERNMENT/UNITED WAY RELATIONS, BOYS CLUBS OF AMERICA

Mr. WOODSON. Mr. Chairman, I am Robert L. Woodson, president and founder of the National Center for Neighborhood Enterprise. I have asked my staff member, Mr. Mark Thennes, to join me in responding to questions.

Mr. CALLAWAY. My name is Robbie Callaway. I am director of Government/United Way Relations for Boys Clubs of America.

Senator SPECTER. Is it Dr. Woodson or Mr. Woodson?

Mr. WOODSON. Mr. Woodson.

Senator SPECTER. Mr. Woodson, would you proceed, please?

Mr. WOODSON. Yes. Senator, I have monitored the Office of Juvenile Justice since its inception. I conducted a study, "A Review of the Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration," for Congressman Rodino's Subcommittee on Crime, Judiciary Committee in 1978. I have spent many years working in the fields of juvenile justice and child welfare in our native city of Philadelphia and have worked in its juvenile institutions, with many of the young men you sentenced. You were a prosecutor, Senator.

One great concern that I share with others is the issue of fairness, and that is, the relationship of fairness to the effectiveness of the Juvenile Justice Act in controlling delinquent behavior and bringing about juvenile justice.

In the first place, in a 5-year period $650 million was spent by the Office of Juvenile Justice. Yet the American public is concerned about the rising number of violent offenses by youth against the public. Children between the ages of 15 and 21 comprise about 9 percent of the total population, and account for half of all property crime and one-fourth of all crimes of violence. Half of these youngsters are minority—black, and Hispanic youngsters. If you examine the record, however, you will find, that although many advocates of OJJDP use the statistics about violent offenders to justify expenditures, most of the moneys expended by the Office of Juvenile Justice was spent to deinstitutionalize status offenders.

Therefore, if we look at the effectiveness of the Juvenile Justice Act over a long period of time, we will find that many violent offenders, have been ignored by the Office of Juvenile Justice in deference to deinstitutionalizing status offenders. As a consequence, the Juvenile Justice Act and its programs have often exacerbated some of the very problems it was designed to solve. Many black

and Hispanic youth have been ignored by OJJDP programs and policies, their numbers are increasing in our country's prisons.

Senator SPECTER. Do you think that grants ought to be made competitively?

Mr. WOODSON. Senator, the competitive grants do not encourage neighborhood people who have proven themselves to be effective in working with high risk youth. They do not read the Federal Register and they are often unable to respond to the kind of applications required for funding.

Senator SPECTER. Do you think a competitive grant is an irrelevancy on programs of this sort?

Mr. WOODSON. Yes. Competitive process has not resulted in fairness in terms of getting funds to the problem.

Senator SPECTER. Wait a minute. You say competitive process has not resulted in fairness. Where has the competitive process been tried?

Mr. WOODSON. Say it again, Senator?

Senator SPECTER. Where has the competitive process been tried?

Mr. WOODSON. The competitive process has been tried in the Office of Juvenile Justice since its inception.

Senator SPECTER. Prior to Mr. Regnery's——

Mr. WOODSON. Yes, there have been some competitive grant processes in the Office of Juvenile——

Senator SPECTER. Has that worked badly?

Mr. WOODSON. Yes.

Senator SPECTER. Can you be specific?

Mr. WOODSON. In the period covered in my study, 1976–77, there were 260 grants awarded. Only six of those grants went to minority groups. Most of the grants went to organizations not addressing the issue of serious violent offenders. So, therefore, the money is not getting——

Senator SPECTER. Are you saying minority groups do not have a fair shake if it is competitive?

Mr. WOODSON. Yes, I am saying that, Senator, because many groups at the local level, who are addressing the problems effectively, do not read or have access to the Federal Register. They are not able to hire the sophisticated writers that enable them to apply for these moneys.

Senator SPECTER. Well, might there be a distinction as to the applications involving minorities and other groups? You might have an affirmative action program of the sort——

Mr. WOODSON. No, I do not think that is the route because——

Senator SPECTER. Let me finish before you respond.

As I was saying, you might have an affirmative action program of the sort for minorities, if you are dealing with, as you characterize it, people who do not read the Federal Register but have competitive grants in other lines.

Mr. WOODSON. No, I am not advocating an affirmative action program to address that. What I am saying, Senator, is that sole source grants enable an administrator to reach creative programs at the local level and, therefore, assist the minority population more effectively. An example is the CASA Program funded by the Office of Juvenile Justice under Mr. Regnery that addresses the issue of foster care.

Senator SPECTER. Mr. Woodson, you yourself have been a recipient of a grant, correct?

Mr. WOODSON. Just recently for the first time.

Senator SPECTER. Was that on a noncompetitive basis?

Mr. WOODSON. Yes, it was.

Senator SPECTER. Tell us just a little bit about how much you were awarded and how you went about it, what it involved.

Mr. WOODSON. I have written two books on youth crime and written numerous articles on neighborhood-based approaches to the control and prevention of youth crime and neighborhood revitalization. I edited the only book that I know of that expresses the view of young people who have been successfully reached at the grassroots level and their advocates. It was reviewed favorably by the Vanderbilt Law Review.

I approached Mr. Regnery and the Office of Juvenile Justice with a program concept that will provide vouchers to grassroots organizations that are already controlling and preventing youth crime successfully at the local level and are not OJJDP applicants.

Senator SPECTER. How did that work? You are going to have vouchers to prevent crime at the local level——

Mr. WOODSON. Many of the local groups that I described are of modest means and cannot respond directly to OJJDP, they do not have the money to respond to competitive applications but nevertheless are doing an effective job. They often need only a minimal amount of money, $2,000 or $3,000, to help them to be more effective.

Senator SPECTER. Who is going to make the decision as to which groups get that money? You?

Mr. WOODSON. No; an advisory committee.

Mark, do you want to address that?

Mr. THENNES. We will review group applications internally. There will be a process that we go through locally. But I think the more important point here, Senator, is that these groups will define for themselves what their needs are. When they respond in a national competition, the Office of Juvenile Justice has designed a program that says what the communities need——

Senator SPECTER. What are these groups going to do with the money?

Mr. WOODSON. What they are already doing.

Senator SPECTER. Give me an illustration of one group.

Mr. WOODSON. There is a tremendous gang violence problem in Los Angeles. Leon Watkins worked closely with a neighborhood street gang that was intimidating local merchants, in fact the gang demanded that local merchants leave food and money on their back steps. Leon met with local merchants and organized them to meet with the local gang leader. As a consequence of approaching this young man positively, Leon persuaded him to stop gang violence and use his influence with the gang constructively. Gang activity was neutralized in the neighborhood. Later that same gang leader and an associate prevented a store from being burglarized, brought the offender out, and they and Mr. Watkins called the police.

Senator SPECTER. And you are suggesting that a man like Mr. Watkins get these funds?

Mr. WOODSON. A man like Mr. Watkins and the organization that he has founded several years ago is operating on a very minimal budget. His group is representative of the kind of organization that would receive technical assistance to help develop programs to expand its influence to other gang members and also assist these young people in getting jobs and a number of other positive things.

Senator SPECTER. And you are going to be—you or your group would make the selections for such disbursements?

Mr. WOODSON. Yes.

Senator SPECTER. And how much money do you have all together?

Mr. THENNES. $427,000 for 1 year.

Mr. WOODSON. How much of that goes to neighborhood groups?

Mr. THENNES. We expect to provide vouchers in the amount of $150,000.

Senator SPECTER. It is $427,000?

Mr. THENNES. Yes.

Senator SPECTER. For 1 year?

Mr. WOODSON. Yes.

Senator SPECTER. And who is the recipient?

Mr. WOODSON. The National Center for Neighborhood Enterprise.

Senator SPECTER. That is a nonprofit corporation?

Mr. WOODSON. Yes.

Senator SPECTER. Who are the incorporators?

Mr. WOODSON. Mr. Clifton Henry, chairman of the board; Mr. M. Carl Holman, National Urban Coalition; Dr. Brigitte Berger, chairman of the sociology department at Wellesley College; Dr. Paul McCracken of the University of Michigan; Mr. Carl Hardrick, a neighborhood leader in Hartford, CT; Sister Falaka Fattah, Philadelphia——

Senator SPECTER. Where is this——

Mr. WOODSON. In Washington, DC.

Senator SPECTER. In Washington?

Mr. WOODSON. Yes.

Senator SPECTER. And how much of that do you expect to go to your group in Philadelphia?

Mr. WOODSON. We have not selected any of the groups in Philadelphia——

Senator SPECTER. I see.

Mr. WOODSON [continuing]. Or anywhere. We are in the process of putting the program together.

Senator SPECTER. And you work with this group out of Washington?

Mr. WOODSON. Yes; we work with groups around the country that are not part of national networks. They are a source of solutions to many of our social and economic problems but are often ignored by the larger organizations.

Senator SPECTER. We very much appreciate your coming. We will put your full statement into the record, without objection.

[The prepared statement of Mr. Woodson follows:]

PREPARED STATEMENT OF ROBERT L. WOODSON

Since OJJDP was first funded in 1975, the Office has been distributing its discretionary funds by national competitions and by sole source grants. During this time, nearly all of the major national youth organizations have received grants sole source applications, and some through a competitive process limited to applications from national organizations (the Delinquency Prevention Initiative of 1976).

So, it comes to pass in 1984, an election year, OJJDP once again is under attack, this time for its sole source approach to grants.

Those attacking the sole source process favor the national competitive process, and would seek to eliminate sole source grants. They argue that a competitive process is a fair process. But is it really?

OJJDP has committed tens of millions of dollars to national competitions. From the $2 million Capacity Building Initiative to the $6-$10 million Initiatives on Delinquency Prevention, Division, Alternative Education to the $15 million Initiatives on Restitution, Advocacy and Deinstitutionalization, OJJDP has consistently received 500-1000 applications for each Initiative, when only 10-20 could be funded. These competitions have had at least three major flaws:

1) They raised false hopes for hundreds of neighborhood groups who applied, as they are never told the odds against them could be 50 or 100 to 1.

2) They wasted thousands of hours of staff time writing proposals. It has has been estimated conservatively that it costs community groups from $1,000 to $3,000 to create an application for government funds. Struggling agencies with scarce resources are misled by these national competitions, and forego seeking more likely local resources.

3) They largely failed to fund indigenous neighborhood groups working effectively with serious offenders.

My personal research and observations show that the more sophisticated, traditional institutions are the ones who get

funded. The money goes to those who hire the best writers, not those delivering the best service.

Sole source grants and contracts can be abused, too. Since OJJDP was created, juvenile justice advocates--myself included--have never agreed with any OJJDP Administrator on all his grants. If we did now, it would be a sure sign Al Regnery is not doing his job.

The sole source process is the only way a neighborhood group can come to OJJDP with the needs they have identified in their community. All national competitions--the types of programs, the process and priorities--were created at the national level, almost always without consulting indigenous neighborhood groups. National competition has forced local groups to change their needs to meet federal government regulations.

But the current OJJDP Administrator has used the sole source process to greatly expand the scope of work OJJDP in involved in. The sole source grant that created the National center for Missing and Exploited Children is an outstanding example. Despite the longstanding suspicion that prolonged stays in foster care contributed to delinquency, it is only now that OJJDP has contributed to the Bureau of Social Science Research and Dr. Robert Hill to research this. The involvement of the juvenile court judges and their CASA program in reducing foster care drift is another. The grant to our National Center for technical assistance vouchers for neighborhood groups who previously couldn't obtain OJJDP funds is another example. These sole source grants allow OJJDP to reach new constituencies and issues a national competition could never do.

The OJJDP Administrator probably is not on his way to scoring a "perfect 10," but that does not justify changing the rules for scoring in the middle of the event. But we know we are living in an age when a 9.95 gets booed.

Senator SPECTER. Mr. Callaway, or is it Dr. Callaway?

Mr. CALLAWAY. No, it's Robbie.

Senator SPECTER. All right, Mr. Callaway, we would be very pleased to hear from you.

TESTIMONY OF ROBBIE CALLAWAY

Mr. CALLAWAY. I know you want me to be as quick as possible, so I will.

I am testifying on behalf of Boys Clubs of America today. I have testified before on behalf of other organizations in the past.

Senator SPECTER. Yes.

Mr. CALLAWAY. This is Boys Clubs of America, representing 1.2 million kids. We have got 45 clubs in Pennsylvania, 10 in Philadelphia, your hometown.

Boys Clubs of America is the recipient of a noncompetitive, sole-source grant, the reason being Boys Clubs of America is the only one who could do the work that we proposed to do.

Senator SPECTER. How much does the grant amount to?

Mr. CALLAWAY. It is $632,000 over a 2-year period.

Let me explain. None of that grant goes into—I am director of Government and United Way Relations. None of that goes into my office or my salary. It is done by a program staff in New York City and it is put out to the clubs.

The reason we are the only ones who could do it, Boys Clubs of America has been in this business before any of us were here. In 1860 the first Boys Club was founded. In 1906 the national organization was founded. In 1956 Congress chartered the organization to do this type of work.

Boys Clubs are neighborhood based, building centered. Seventy-five percent of the kids are from families with incomes under $12,000. Seventy-two percent are from families with four or more children. Forty-six percent are from single-parent households. Twenty-five percent of our kids are girls.

We have always had prevention of delinquency as one of our major target areas. The very first Boys Clubs in the 1860's were created to serve, and I quote: bootblacks, newsboys, ragamuffins, and urchins who marauded in packs the streets of our cities.

Those were the 1860's. We moved to 1977, and Boys Clubs of America received a grant from OJJ to do primary prevention. Let me read to you from a Justice Department document that says, by a highly respected Justice Department employee, a career person who has been there for years: The evaluation of the Boys Clubs of America program clearly establishes that this program exceeded its objectives. Further, it recorded a significant reduction in juvenile arrest rates over the 3 years in the demonstration sites. Most noteworthy is the achievement of the Boys Clubs of America in increasing its capability to support delinquency prevention programs nationwide.

The reason I point it out, this was a primary prevention program.

We came back to the Office of Juvenile Justice, a logical next step, beyond primary prevention is secondary prevention. We proposed—and it was before I was in employment at Boys Clubs of

America. We proposed a targeting program for delinquency intervention, not prevention, focused on high-risk kids. Youth development techniques used in the program make kids feel useful, make them feel competent, make them belong, make them have some influence, increase their self-esteem. We involve the families in this intervention program.

What is an at-risk kid? The juveniles have been arrested previously. They come from a family with a substance-abusing parent. Abused juveniles, runaways, failing in two or more subjects, frequent truancy, two or more behavioral contacts.

Talking about 3,750 kids, it breaks down to $90 per high-risk kid per year. You know what it costs in a detention center.

A real quick one, competitive and noncompetitive. I can see you are ready to go.

Supporting competition is as American as supporting apple pie, corn on the cob, and baseball. That is what I came up with at 3 o'clock last night.

I just think we need to be more realistic in calling for every grant to be competitively bid. Some can, like the restitution initiative; others cannot.

Quite simply, it is a waste of taxpayers' money to competitively bid some of these grants. It is a waste of the program operator's money to make them think they have got a chance to actually receive some of this money.

I have been on the other end of this stick. I have received competitive grants in my previous employment, noncompetitive grants.

Let me give you a few examples real quick. NACO, the National Association of Counties—their grant was to train county officials. Who better?

The Casa Program that Bob mentioned, the judges—it is court-appointed special advocates.

One of the best grants I have ever seen given from the Office of Juvenile Justice—and I followed it since it was first created—was the National Center on Missing and Exploited Children. They addressed the problem.

Boys Clubs of America—real quick—do we need the money? Hardly. Our national office has a $16 million budget. Our board president puts more money of his personal money per year into our organization than does all the public money that we receive. That is his personal money.

The last thing, if everything is competitively bid—you asked about 80 percent; I say 60-40 is a better split than your 80 percent. If everything is competitively bid, or even if you go as high as 80 percent, the only person and the only group that really benefits are the Beltway bandits that sprung up. They are consulting firms. They hire the best grant writers, people who have never operated a program. When JJ money is gone, these people write grants to do business ventures in South Africa and things like that. These people are not going to stay in juvenile justice. I promise you, Boys Clubs of America is going to be doing it long after all of us are gone.

Senator SPECTER. You may be doing it with or without grants, too.

Mr. CALLAWAY. Exactly. We will be. Our board of directors' philosophy in taking government money is very simple. The organization does not need it. It takes it to help Government carry out its mandates whenever appropriate.

Senator SPECTER. Your organization does not need the money?

Mr. CALLAWAY. Absolutely. We can provide good programs that can be replicated elsewhere. We can show it can be done in the neighborhoods and in the areas where you want to target.

Senator SPECTER. Thank you very much, Mr. Callaway. Thank you, Mr. Woodson.

We are going to make a part of the record a letter from the Freedom to Read Committee of the Association of American Publishers to me dated July 30, 1984, without objection.

[Letter never received for the record.]

Senator SPECTER. We will keep the record open for certain additional questions in writing to Mr. Regnery. And there will be inserted, without objection, a statement from Senator Denton at the outset of the hearing.

Without objection, we will insert the material you have provided.

Thank you all very much.

That concludes the hearing.

[Whereupon, at 2:50 p.m., the subcommittee was adjourned.]

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